

53
1

THE
INDIA-OFFICE
LIBRARY.
OF

A N S W E R 46

WARREN HASTINGS Esquire,
TO THE
A R T I C L E S

EXHIBITED BY

The KNIGHTS, CITIZENS, and BURGESESS
in Parliament assembled,

In the Name of themselves, and of all the
COMMONS of GREAT BRITAIN,

In maintenance of their Impeachment against
him for High Crimes and Misdemeanours
supposed to have been by him committed.

Delivered at the Bar of the HOUSE of PEERS, on
Wednesday, November 28th, 1787.

L O N D O N :

Printed for JOHN MURRAY, N^o 32, Fleet-street; JOHN
STOCKDALE, opposite Burlington-house, Piccadilly;
JOHN SEWELL, Cornhill; W. CREECH, Edinburgh;
and ANTHONY GERNA, College-Green, Dublin.

MDCCCLXXXVIII.

[*Entered at Stationers-Hall.*]



T	12341
AS3	12.73

WARREN HASTINGS, Volume 1

and I will be glad to see you.

and of all the Commons of Great

THE
ANSWER
OF
WARREN HASTINGS Esquire,
TO THE

ARTICLES exhibited by the Knights,
Citizens, and Burgeſſes in Parliament
aſſembled, in the Name of themſelves,
and of all the COMMONS of GREAT
BRITAIN, in maintenance of their Im-
peachment againſt him for High Crimes
and Miſdemeanors ſuppoſed to have been
by him committed.

THE ſaid Warren Haſtings ſaving to
himſelf all Advantages of Exception
to the ſaid Articles, for the Generality,
Uncertainty, and Inſufficiency thereof, and of
not being prejudiced by any Words, or Want
of Form, in this his Answer; and alſo as to ſeveral
of the Matters with which the ſaid Warren
B Hastings

Hastings is by the said Articles charged, protesting, that he is not bound to give any Answer thereunto, inasmuch as the same do not contain or amount to any Crime or Offence known to the Law of England, admits that the United Company of Merchants of England trading to the East Indies, have for a long Time past carried on an extensive Trade, obtained great Territorial Possessions and Revenues, entered into various Alliances and Connections, and waged frequent Wars with the Native Powers in India; and that it became necessary that the said United Company should create certain great Offices for the Management of their Affairs, and the various Concerns from them resulting; and that the Office created and known by the Name of President of the Presidency of Fort William in Bengal, was an Office of such high Trust, Power, and Dignity, as is stated in the Introduction to the said Articles; and the said Warren Hastings says, that having been employed, during a Period of many Years, in various Departments of the Civil Service of the East India Company, he was lawfully constituted and appointed to succeed to the said Office; and that he did succeed to the same at such Time, and in such Manner, as in the said Introduction is also stated. And he further says, that an Act of Parliament was passed in the Thirteenth Year of His present Majesty, with such Title to the same as in the said Introduction is mentioned, by which it was enacted, “ That for the Government of the Presidency of Fort William
“ in Bengal, there should be appointed a Governor General and Four Counsellors; and
“ that the whole Civil and Military Government
“ ment

" ment of the said Presidency, and also the Or-
 " dering, Management, and Government of all
 " the Territorial Acquisitions and Revenues in
 " the Kingdoms of Bengal, Bahar and Orissa,
 " should, during such Time as the Territorial
 " Acquisitions and Revenues should remain in
 " the Possession of the United Company, be and
 " were thereby vested in the said Governor Ge-
 " neral and Council of the said Presidency of
 " Fort William in Bengal, in like Manner, to
 " all Intents and Purposes whatsoever, as the
 " same then were, or at any Time theretofore
 " might have been exercised by the President
 " and Council, or Select Committee in the said
 " Kingdoms : " And that it was by the said Act
 further enacted, " That in all Cases whatsoever,
 " wherein any Difference of Opinion should
 " arise, upon any Question proposed in any Con-
 " sultation, the said Governor General and Coun-
 " cil should be bound and concluded by the
 " Opinion and Decision of the major Part of
 " those present ; and if it should happen, that
 " by the Death or Removal, or by the Absence
 " of any of the Members of the said Council,
 " such Governor General and Council should
 " happen to be equally divided, then in every
 " such Case the said Governor General, or in his
 " Absence the eldest Counsellor present, should
 " have a Casting Voice, and his Opinion should
 " be decisive and conclusive." And the said
 Warren Hastings says, that the said Governor
 General and Council, or the major Part of them,
 were by the said Act authorized to superintend
 and control the Government and Management
 of the Presidencies of Madras, Bombay, and
 Bencoolen respectively ; but that no Power, Au-
 thority,

authority, Dignity, Trust, or Responsibility, were
 by the said Act specially annexed to the said Office
 of Governor General, otherwise than is herein be-
 fore mentioned: And the said Warren Ha-
 stings admits, that upon the due and incorrupt
 Execution of the said Office of Governor Ge-
 neral, thus constituted, the several important In-
 terests stated in the said Introduction did in an
 especial Manner depend: And the said Warren
 Hastings does with Gratitude acknowledge, that
 he was originally appointed to the said Office of
 Governor General by the Act of Parliament
 aforesaid, for the Term of Five Years; and that
 he was afterwards, by another Act of Parliament
 passed in the Nineteenth Year of the Reign of
 His present Majesty, again appointed to the same
 Office for the Term of One Year, from the Fifth
 Day of April, One thousand Seven hundred and
 Seventy-nine; and that by an Act made in the
 Twentieth Year of the Reign of His present
 Majesty, he was continued in the said Office
 for the further Term of One Year; and that
 in the Year One thousand Seven hundred and
 Eighty-one, he was once more, being the
 Fourth Time, honoured with the same Appoint-
 ment by the same Authority for the Term of
 Ten Years: And the said Warren Hastings
 humbly begs leave to observe, that many of
 the Matters now charged against him, as High
 Crimes and Misdemeanors, had been fully car-
 ried into Execution, and Accounts thereof for-
 mally transmitted to the Court of Directors of
 the said United Company, and by them in due
 Course submitted to the Consideration of his
 Majesty's Ministers, prior to several of his said
 successive Appointments to the said Office herein
 above

above set forth; and the said Warren Hastings trusts, that it will be allowed him in this Place to affirm, that he never, directly or indirectly, at any Time made, or caused to be made, any Application, Suit, or Request whatsoever, to any of His Majesty's Ministers, to the Directors of the East India Company, or any of them, or to any other Person or Description of Persons whatsoever, either for the Purpose of procuring himself to be originally appointed to, or afterwards continued in, the said Office; and that the said Office, first conferred upon him, in a Season of great Difficulty and Embarrassment, affecting peculiarly the Interests of the East India Company, was repeatedly afterwards conferred at Periods of imminent Danger and Distress, affecting equally the general Interests of the whole British Empire: And the said Warren Hastings admits, that he continued to act in the said Office until the Month of February, One thousand Seven hundred and Eighty-five, at which Time Peace being restored to every Part of the British Dominions in India, and several important Arrangements with the Country Powers, and in the internal Regulation of the Affairs of the said Company, in the said Government, completed, he voluntarily resigned the same. And the said Warren Hastings further admits, that he was bound, by all the solemn Obligations stated in the said Introduction, faithfully to discharge the Trusts reposed in him during all the Time that he so continued to act in the said Office: And the said Warren Hastings denies, that he ever entertained any of the base or corrupt Views or Designs, or was actuated by any such Motives, or aimed at the Attainment of any such

such Objects, as are in and by the said Introduction suggested and charged against him: And the said Warren Hastings further denies that he has been guilty of any unwarrantable or criminal Practices whatsoever, or that he has in any Manner violated the Duties of his said Station, or that by any Acts whatsoever done or committed by him the said Warren Hastings in the Exercise of his said Office, the Welfare of the East India Company has suffered, the Happiness of the Native Inhabitants of India been diminished, their Confidence in English Faith and Lenity shaken or impaired, or the Honour of the Crown and the Character of the Nation been in any Manner degraded. On the contrary, the said Warren Hastings does solemnly affirm, that, during the whole Period of his long and arduous Government, he did steadily and uniformly, according to the best of his Judgment, and the Means within his Power, pursue and endeavour to advance the Interests of the East India Company and the British Nation; and he trusts that, in the Result of such Examination as his Conduct will receive from the Wisdom and Justice of your Lordships, it will appear, that the Welfare of the East India Company has been, during the Exercise of his said Office, materially promoted, the Happiness of the Native Inhabitants of India protected and increased, their Confidence in English Faith and Lenity conciliated and confirmed, and the Honour of the Crown, and the Character of the British Nation, industriously and successfully maintained. And the said Warren Hastings, before he proceeds to answer the several Articles wherewith he stands charged, humbly begs leave to state, that

that whereas the said Articles do in many Instances contain long Narrations and Recitals of supposed Facts and Circumstances, which do neither in themselves import, nor are materially relevant to any criminal Charge against him, he humbly presumes to hope, that, in submitting to answer the same, he shall not be understood to admit such Narrations or Recitals to contain any Matter of criminal Charge, or that he shall thereby preclude himself from insisting that he was not by Law required to make answer thereunto.

AND WHEREAS the true Nature of many Measures, charged against him the said Warren Hastings as Offences, can only be made appear by a full Exposition and Detail of the general State of Public Affairs at the Times when such Measures were respectively adopted, and by a particular Explanation of the several Motives which induced the Adoption of such Measures; yet the said Warren Hastings, conceiving that an Answer framed in that Extent would have been inconsistent with the usual Course of your Lordships Proceedings, and that such Matters may be more properly reserved for Evidence and Defence in a future Stage of this Proceeding; he will endeavour, as much as possible, to confine his Answer to a plain Denial or Admission of the Facts in the said Articles stated, and in general to abstain from all Exposition and Detail of the Measures and Facts themselves, and of the Motives from which the same originated, except where such Exposition and Detail are immediately necessary for the Purpose of rendering his Answer intelligible; and he humbly

9

hopes,

hopes, that your Lordships Justice will not suffer any Conclusions to be drawn to his Disadvantage from such his Answer to the said Articles, but will allow him to enter into such Exposition and Detail, when he shall hereafter be permitted to make his Defence at your Lordships Bar. AND FURTHER, inasmuch as many of the Facts in the said Articles stated or referred to did not fall within the personal Knowledge of the said Warren Hastings, and could only be known to him by Intelligence transmitted to him by other Persons, the said Warren Hastings humbly presumes to hope, that the Admissions and Denials by him made will, in such Cases, be construed only to mean that Intelligence was by him received to the Effect stated in his said Answer. AND FURTHER, inasmuch as several Facts and Circumstances stated in the said Articles are complicated with various Aggravations and Inferences, so as to render it extremely difficult for him to acknowledge some of such Facts and Circumstances, without acknowledging, or seeming to acknowledge, the Inferences drawn therefrom, or the Aggravations wherewith they are accompanied, the said Warren Hastings further hopes that he may, without any Violation of the ordinary Course of your Lordships Proceedings, be allowed to distinguish between Acts themselves, and the Inferences drawn from them by the said Articles; and that whenever he admits any Fact, he may not be understood to admit that such Fact was by him done or committed upon such Motives, and with such Designs, or in such Manner, as is suggested in the said Articles. And with these Reservations,

as

as to so much of the said Articles as it is material or necessary for him to answer, the said Warren Hastings answers as follows :

FIRST ARTICLE.

TO THE FIRST ARTICLE the said Warren Hastings says, That Rajah Bulwant Sing therein named, was not a Chief in any Sense of the Word, which imports independent and sovereign Power, nor was he a Zemindar of certain Provinces, as in the said Article is alledged, dependent upon the Mogul Empire, through Sujah Dowla, Nabob of Oude, and Vizier of the said Empire : And the said Warren Hastings says, that in or about the Year One thousand Seven hundred and Sixty-four, the President and Council of Fort William did declare, that the said Bulwant Sing having, in the Course of the War between the East India Company and Sujah Dowla, acted a wavering and double Part, was, in their Opinion, a Person in whom no Confidence ought to be placed : And the said President and Council did, in their Instructions to Major Hector Munro, who then commanded the Troops of the said Company, signify their Desire, that, in case the said Bulwant Sing had not been permitted to join the said Major Munro, and the Forces under his Command, or in case the said Major Munro had not entered into any Engagements with the said Bulwant Sing, he should be dispossessed of the

C

Country

Country which he held, and that his Person should, if possible, be secured: And the said Warren Hastings further says, that it appears, by the Public Correspondence of the Presidency at Fort William of that Period, that the said Bulwant Sing having made certain Proposals to the said Major Munro, who agreed to accept the same, the said Bulwant Sing did thereby become bound to join, and did, in fact, join the Forces under the Command of the said Major Munro; but that he did afterwards, in Violation of his said Engagement, desert from the British Army, and did not return till after the Defeat of the said Sujah Dowlah by the Forces of the said Company: That it also appears that the said Bulwant Sing was again received back, on the Faith of certain Promises made by General Carnac and Randolph Marriott Esquire, who concluded an Agreement with the said Bulwant Sing, without the Knowledge and Privity, and contrary to the Sentiments and Wishes of the President and Council; and that the said President and Council did shortly afterwards declare the said Bulwant Sing to be a Person in whom no Confidence could be safely placed, and with whom no Agreement ought to have been made; but that, as he had been received back on the Faith of Promises made by the said General Carnac and the said Randolph Marriott, the President and Council resolved to abide by the same, though they wished none had been made: And the said Warren Hastings further says, that he knows of no other Manner in which the said Bulwant Sing attached himself to the British Nation, nor in which he was of Service to the Affairs and Interests of Great Britain,

Britain, though the said Warren Hastings admits, that the Court of Directors did declare an Opinion, to the Effect stated in the said Article.

AND the said Warren Hastings says, that, by a Treaty of Peace concluded at Allahabad in the Year One thousand Seven hundred and Sixty-five, between Sujah Dowla, Nudjum ul Dowla, then Nabob of Bengal, and the English Company, the said Sujah Dowla did engage to continue the said Bulwant Sing in all the Districts he possessed at the Time he came over to the Nabob Jaffier Allee Khan, and the English, on condition of his paying the same Revenue as he had theretofore paid, and which Country of Benares, and other Districts, are, in the Seventh Article of the same Treaty, described as being then rented by the said Bulwant Sing: And the said Warren Hastings admits, that the said Bulwant Sing retained to his Death the Possession of the said Districts.

AND the said Warren Hastings says, that, by the Influence of the British Bengal Government, and in consideration of a Nazerannah, or Fine, of Seventeen Lacks of Rupees, and an annual Increase of Two and a Half Lacks of Rupees to the former Rent paid to the Vizier, Rajah Cheyt Sing in the said Article mentioned, was allowed to hold the said Districts, and was, in the Year One thousand Seven hundred and Seventy, invested with the Government thereof, on such Terms as his Father had held the same, the Difference of Annual Rent only excepted.

AND the said Warren Hastings says, that, in consequence of such Powers as are in the said Article stated, he did procure an Agreement from the Nabob Sujah Dowla, whereby the said Sujah Dowla granted and confirmed the Affairs of the Zemindary and Tahud of the Sircar of Benares, and other Districts therein mentioned and described to have been under the Charge of Rajah Bulwant Sing, to the said Rajah Cheyt Sing, upon their former Footing, excepting only the Increase of Rent herein before mentioned : And the said Warren Hastings admits, that by the said Agreement, to which he craves Leave to refer, it was, amongst other Things, provided, that no Increase of the said Rent should be ever demanded, which Agreement was expressed to be made between the said Nabob Sujah Dowla and his Heirs, and the said Cheyt Sing and his Heirs : And the said Warren Hastings did, by an Engagement in Writing, assure the said Cheyt Sing, that so long as he should make the Payments to the Vizier, which were thereby established, the Company would attend to his Welfare, and afford him their Care and Protection, and that in the said Agreements there should never be any Breach or Deviation.

AND the said Warren Hastings admits, that he was bound to afford the Protection of the East India Company to the said Rajah, and to prevent the Vizier from breaking through, or deviating from, the said Treaties, so long as they were faithfully observed by the said Cheyt Sing.

AND

AND the said Warren Hastings further admits, that the Resident at the Court of Oude did, some Time in the Year One thousand Seven hundred and Seventy-five, by the Directions of the Governor General and Council, the said Warren Hastings being then Governor General, interfere, for the Purpose of preventing the said Vizier from levying a Sum of Money from the said Cheyt Sing, on account of the Rent payable for the said Districts, before the same had become due; and believes that the said Resident did, at the same Time, make Declarations to the said Vizier, to the Effect stated in the said First Article.

AND the said Warren Hastings says, that the above Stipulations in favour of the Rajah, were fully known to, and ratified and confirmed by him the said Warren Hastings and the said Council; but the said Warren Hastings does not know that any other Stipulations in favour of the said Rajah were ever confirmed or ratified by him the said Warren Hastings.

AND the said Warren Hastings says, that the Board of Council at Fort William having resolved (he the said Warren Hastings dissenting from such Resolution) that the Treaties made with the late Nabob Vizier did not remain in force, but expired at his Death, the said Warren Hastings did, in the course of considering what new Treaty should be thereupon negotiated with the Nabob Asoph ul Dowla, bring forward sundry Propositions, One of which was to the Effect in the said First Article mentioned, which said last-mentioned Proposition was agreed

to by the Board, but the same was never afterwards carried into Execution; but for the Particulars of the Proceedings of the said Board relative to that Subject, the said Warren Hastings craves Leave to refer to the same, when the same shall be hereafter produced. And the said Warren Hastings further says, that by a Treaty concluded on the Twenty-first May, One thousand Seven hundred and Seventy-five, between the Nabob Asoph ul Dowla and the East India Company, and to which, for the Contents and Effect thereof, he craves Leave to refer, the said Nabob did give up unto the said Company all the Districts dependant on Rajah Cheyt Sing, together with the Land and Water Duties, and the Sovereignty of the said Districts in Perpetuity; and the said Company were impowered, within One Month and an Half from the Date of the Treaty, to take upon themselves the Sovereignty and Possession of the said Districts. And the said Warren Hastings says, that at a Meeting of the Board of Council, held the Twelfth Day of June, One thousand Seven hundred and Seventy-five, he the said Warren Hastings did lay before the Board for their Consideration a Minute, stating, amongst other Things, “ That
 “ the Sovereignty of the Zemindary of Benares
 “ and its Dependencies having been ceded in
 “ Perpetuity to the Honourable Company by
 “ the Fifth Article of the Treaty lately formed
 “ with the Nabob Asoph ô Dowla, it became
 “ immediately necessary to determine in what
 “ Manner that Right should be exercised, and
 “ the regular Payment of the Revenue due
 “ from the Rajah secured.—And the said
 “ Warren

“ Warren Hastings did accordingly move that
 “ the Subject should be taken into Considera-
 “ tion of the Board, and submitted to their
 “ Correction and Approval a Plan of Settle-
 “ ment with Rajah Cheyt Sing, to be observed
 “ until the Pleasure of the Company respecting
 “ it should be known, declaring his Readiness
 “ to acquiesce in any other which might be pro-
 “ posed on Terms by which more effectual Pro-
 “ vision might be made for the Interest of the
 “ Company, without an Encroachment on the
 “ just Rights of the Rajah, or the Engage-
 “ ments actually subsisting with him.”

A N D the said Warren Hastings further
 says, That by the Plan laid before the Council
 at Fort William in Bengal, upon that Occasion,
 several Propositions were suggested as a Plan of
 Settlement with Rajah Cheyt Sing, in conse-
 quence of the Cession made by the Nabob
 Asoph ul Dowla to the East India Company, of
 the Sovereignty of the Possessions which the
 said Cheyt Sing then held. But the said War-
 ren Hastings denies that the said Propositions
 were laid before the Board for the Purpose of
 carrying into Effect any Intention of the Board
 to render the said Rajah more independant, or
 that the said Board had, by any Resolution or
 Public Act, subsequent to the said Cession so
 made as aforesaid, manifested any such Inten-
 tion. And as to the Intention or Opinion of
 the individual Members who composed the said
 Board, Colonel Monson, then being of the said
 Council, did, in considering the said Proposi-
 tions, enter, upon the Consultations of the said
 Council, his Opinion, that no Concession should
 be

be made to the said Rajah, but that he should remain exactly in the same State of Dependance and Subordination to the Company as he was in to the Nabob; and General Clavering, being also of the said Council, did likewise enter his Opinion, that the Rajah should hold his Zemindary of the Company on the same Footing precisely that he held it of the late Nabob; and that if the Administration of Justice were given him, a suitable Equivalent should be obtained equal to the Advantages that might accrue to him from it. But the said Warren Hastings says, that it was his Object in proposing the said Plan, to render the Rajah more independant than he had been, and to prevent him from being reduced to what he the said Warren Hastings did call the mean and depraved State of a mere Zemindar, and to raise him to a Situation of Power and Dignity unknown to any of his Ancestors; but the said Warren Hastings denies that he did thereby intend in any Degree to weaken or diminish the Right of Sovereignty belonging to the said Company over the Possessions and Government of the said Rajah, or to change the Nature of the Relation in which the said Rajah then stood to the said Company, as holding Possessions subject to their Sovereignty, or to supersede or dispense with any of the Duties which as a Vassal, and in respect of his said Tenure, he then owed to the said Company; for the said Warren Hastings did expressly and in Terms propose, that the said Rajah should be empowered to exercise a complete and uncontrolled Authority over his Zemindary, under the acknowledged Sovereignty of the Honourable

able Company in the Government of the Country dependant on him, in the Collection of the Revenue, and in the Administration of Justice. And the said Warren Hastings did further in exprefs Terms declare, that the said Rajah was bound for the Performance of Duty as a Vassal to the said Company.

AND the said Warren Hastings further says, That the said Board did agree to the said Proposal, adding thereto, that a Compensation should be demanded of the said Rajah for the Cutwally.

AND the said Warren Hastings further says, That he did propose that Sunnuds should be granted to the said Rajah, specially conferring upon him the Power of appointing Officers to the Charge of the Cutwally and the Mint of Benares, the latter to be subject to such Orders and Regulations as the Governor General and Council should at any Time think it proper to decree; and he did further propose, that the said Rajah should hold his Right to the said Mint, on Condition of his faithful Observance of such Regulations. But the said Warren Hastings denies that by such Proposal he did intend to convey to the said Cheyt Sing any Rights inconsistent with the Sovereign Power of the said Company over his said Possessions; for the said Warren Hastings did on the contrary expressly declare, and enter such his Opinions upon the Consultations of the Council, that the Grant of the said Offices to the said Rajah by special Sunnuds, would be a sufficient Expression of the Sovereignty of the said Company; to
D which

which the said Warren Hastings did add, that the solemn Renunciation of the said Sovereignty, made by the Nabob of Oude, was the best and most valid Charter under which it could be claimed; and that while the said Company had Three Brigades, and a full Treasury to assist it, there was no Fear that their Right to it would be opposed by Reasonings, drawn from implied Symbols of Dominion.

AND the said Warren Hastings further says, That the Board did afterwards agree to the Terms of the said Proposal respecting the Cutwally and the Mint, adding thereto a Condition, that the Rajah should pay an annual Compensation to the Company for such Cutwally and Mint, and oblige himself to coin Money of the precise Standard only, which should be fixed by the Board.

AND the said Warren Hastings says, That having submitted to the Consideration of the Board certain Propositions connected with, and dependent on each other, as forming a general Plan of Settlement between the said Cheyt Sing and the East India Company, which Propositions afterwards underwent material Alterations by the Board, he did, amongst the rest, and as Part of his original Propositions, recommend, that while the Rajah should continue faithful to the Engagements thereby proposed to be required from the said Rajah, and while he should continue punctual in his Payments, and should pay due Obedience to the Authority of the Company, no more Demands should be made upon him of any Kind by the said Company;

nor, upon any Pretence whatsoever, should any Person be allowed to interfere with his Authority, or to disturb the Peace of his Country. And the said Warren Hastings says, that the Resolutions formed by the said Board of Council were ordered to be communicated to the said Rajah Cheyt Sing, by Francis Fowke Esquire, the then Resident at Benares, who was at the same Time directed to notify to the said Cheyt Sing the Sovereignty of the said Company over all the Territories of his said Zemindary, and to receive from him, on account of the said Company, and in their Name, a Nuzzeranna, or Acknowledgment of his Vassalage.

AND the said Warren Hastings further says, That he did, in effect, declare, in proposing the said Plan, that the voluntary Restraint which the said Government of the said Company would, if the same was carried into Execution, lay on its own Actions, was calculated to produce the Effects in the First Article mentioned. And the said Warren Hastings says, that he did propose, as Part of his Plan, that in return for certain Concessions to be made to the said Cheyt Sing, and for the Performance of his Duty as a Vassal to the Company, the said Rajah should engage to maintain in constant Pay, and ready at all Times for immediate Service, such Body of Cavalry, and upon such Terms as are in the said First Article mentioned; but the said Warren Hastings says, that he did not at the Time of proposing the said Plan declare, that it was far from his Intention to propose the above, or any other Article, to be imposed on the said Rajah by

Compulsion : But the said Warren Hastings says, that he did make such Declaration at a subsequent Period, *viz.* in the Month of July, One thousand Seven hundred and Seventy-five. And the said Warren Hastings further admits, that the Board did finally resolve, in or about the Month of July, in the Year One thousand Seven hundred and Seventy-five, that it should be recommended to the said Cheyt Sing, to keep up Two thousand Cavalry, to be disciplined after the European Manner ; but that there should be no Obligation on him so to do.

AND the said Warren Hastings further says, That neither by all or any of the several Acts, Agreements, Treaties, or Stipulations above mentioned, nor by any other within the Knowledge of the said Warren Hastings, was the said Cheyt Sing under the Authority of the East India Company confirmed and secured in the free and uncontrolled Authority in the Regulations and Government of his Zemindary, in the Manner and to the Extent stated in the said First Article.

THE said Warren Hastings says, That he was bound by the Duties of his Office, and by the Ties of Justice and Public Faith, to adhere to every Treaty, Stipulation, and Engagement, subsisting between the Company and the said Rajah, according to the plain Sense and true Understanding thereof, so long as the said Rajah should on his Part faithfully discharge the Duties resulting from his Relation to the said Company.

AND

AND the said Warren Hastings further says, that on or about the Seventh Day of July, One thousand Seven hundred and Seventy-eight, Intelligence was received by the Governor General and Council, of a War between Great Britain and France; and the Governor General and Council deeming such Intelligence authentic, the said Warren Hastings did, in consequence thereof, on the Ninth Day of the same Month, amongst other Measures, propose, and it was by the said Board accordingly resolved, " That Rajah Cheyt Sing should be required, in Form, to contribute his Share to the Burthen of the War, by the Establishment of Three regular Battalions of Sepoys, to be raised and maintained at his Expence : " And the said Warren Hastings was, as Governor General, requested to write to the said Cheyt Sing to that Effect. And the said Warren Hastings denies that he did propose the said Resolution, or concur therein, in Breach of any Duty or Trust reposed in him, or in Contradiction to any Treaty, Stipulation, or Engagement, existing between the said Company and the said Rajah, or from all or any of the corrupt or criminal Motives, or with any of the Views in the said First Article charged upon him. And the said Warren Hastings further denies, that the State of the Treasury was such as to render the said Measure unnecessary, or that there were any other Persons in Situations similar to that of the said Cheyt Sing, upon whom any Levy or Demand of Contribution then could or ought to have been made. And the said Warren Hastings farther

further says, that in pursuance of the said Vote of Council of the Ninth of July, One thousand Seven hundred and Seventy-eight, he did, on the Eleventh of the same Month, write a Letter to the said Rajah, of which the following is a Copy:

“ To Rajah Cheyt Sing.”

“ W A R having been declared between the
 “ Courts of Great Britain and France; by the
 “ former on the Eighteenth of March, and by
 “ the latter on the Thirtieth of March; I am
 “ to request of you, in my own Name, and
 “ that of the Board, as a Subject of the Com-
 “ pany, bound to promote their Interest on
 “ every Occasion, to contribute your Share of
 “ the Burthen of the present War, which will
 “ equally affect your Interest and ours. It has
 “ been determined by the Board, that an Esta-
 “ blishment of Three regular Battalions of Se-
 “ poys, to be commanded by British Officers,
 “ be raised and maintained at your Expence,
 “ and employed on such Service as the Situa-
 “ tion of Affairs may require. I have no Doubt
 “ but, regarding this Measure equally condu-
 “ cive to your own and the Company’s In-
 “ terest, you will, with the greatest Readiness,
 “ comply; and I hope you will intimate your
 “ Consent without Delay.”

AND the said Warren Hastings further says, that he did receive from the said Cheyt Sing the following Answer to the said Letter:
 “ I have been honoured by the Receipt of your
 “ gracious Letter, communicating the Intelli-
 “ gence

“ gence of a War having broke out between
 “ the Courts of Great Britain and France, and
 “ desiring me to take on myself a Share of
 “ the Burthen of Expence. My Patron, I am
 “ the Servant of the Sircar; I will write you
 “ more fully hereafter. On all Occasions I am
 “ hopeful of your Highness’s Favour and Sup-
 “ port.” And the said Warren Hastings says,
 that he did, upon the Seventeenth of August,
 One thousand Seven hundred and Seventy-eight,
 lay before the Board the said Letter; and did
 at the same Time inform the Board, as the said
 Warren Hastings avers the Fact to have been,
 that having called upon the Rajah’s Vackeel for
 an Explanation of his Master’s further Senti-
 ments upon the Subject of it, he was assured
 by the said Vackeel that the said Rajah was
 at all Times ready to pay Obedience to the
 Commands of the Board, and to afford every
 Proof of his Attachment to the Company;
 and that the Rajah had authorized him to de-
 clare his Acquiescence in the Requisition of a
 Subsidy, equal to the Expence of Three Batta-
 lions of Sepoys, for the Service of the War;
 and that the said Vackeel contended much for fix-
 ing the Sum of the Subsidy at Three Lacks of
 Rupees; but the said Warren Hastings having
 told him it could not be less than Five, the said
 Vackeel did consent, in the Name of the said
 Rajah, and in virtue of the Authority which
 he derived from him, to the Payment of that
 Sum, for One Year, alledging that his Autho-
 rity extended no further. And the said Warren
 Hastings further says, that it was unanimously
 resolved at the said Board, that the Subsidy to
 be paid by the said Rajah for the Maintenance
 of

of Three Battalions of Sepoys, during the War, should be fixed at the Annual Sum of Five Lacks of Muchlidar Rupees; and that he should be immediately required to pay that Sum into the Hands of the Resident, Mr. Graham. And the said Warren Hastings further says, that the said Resolution was communicated to the said Cheyt Sing, who, after various Attempts to delay the Payment of the said Sum, on the Plea of Inability, did at length pay it, in conformity to the said Resolution. And the said Warren Hastings denies that the said Sum of Money was extorted from the said Cheyt Sing, or that the said Warren Hastings is in any Manner criminal in respect to the Demand or Receipt thereof, or that in the whole, or any Part of the said Measure, he was actuated by any of the corrupt Motives or Views in the said First Article charged upon him.

And the said Warren Hastings further says, that in or about the Month of July, in the Year One thousand Seven hundred and Seventy-nine, it was unanimously agreed in Council, on the Motion of the said Warren Hastings, that the said Cheyt Sing should be required to contribute the Sum of Five Lacks, as his Share for the Expence of the War for the current Year; and it was at the same Time agreed that the Governor General and Council should be required to write to the said Rajah Cheyt Sing, acquainting him that the Period of One Year, for which he had agreed to pay Five Lacks of Muchlidar Rupees, as his Share of the Burthen of the War with France, on the Seventeenth of August,

August, One thousand Seven hundred and Seventy-eight, was expired, and as the Continuation of the War still made it necessary to maintain the same Establishment of Troops for the Defence of the Country, that the Board deemed it requisite that he should at that Time contribute the further Sum of Five Lacks of Muchlidar Rupees, as his Proportion of the Charge for the current Year; and that therefore the Resident had been directed to apply to him for the same. And the said Warren Hastings says, that he did accordingly write a Letter to the said Cheyt Sing, to that Effect. And the said Warren Hastings insists, that the said Rajah Cheyt Sing was bound to comply with the said Demand, and that he was fully able so to do; notwithstanding which, and although repeated Applications were by the said Resident made to the said Cheyt Sing, for the Payment of the said Sum of Money, the said Cheyt Sing falsely alledged that it was absolutely out of his Power to raise the Sum required, and did on such Pretence withhold the Payment thereof. And the said Resident having represented to the Board that he had continued to renew the said Demand on the Rajah every Second Day, and finding that he held to the Terms of his First Refusal, and seeing no Probability of a speedy Change in his Sentiments, he was unavoidably reduced to the Necessity of applying to the Board for further Instructions; whereupon it became the Duty of the said Warren Hastings, and of the said Council, to have Recourse to some effectual Method to enforce the Payment thereof; and it was accordingly resolved by the Board, on the Motion of the said Warren

E Hastings,

Hastings, that the Commander in Chief should be directed to issue an Order for the March of Two Battalions of Sepoys to Benares, on the Requisition of Mr. Thomas Graham, and there to remain for the further Orders of the Board; that the whole Expence of that Detachment, from the Day of its March, should be paid by the Rajah of Benares; that such Resolution should be communicated to him by the Governor General; and that the Resident should be ordered to inform the Rajah of it, repeating his Demand for the Sum required; and in case of his Refusal or Non-compliance with the said Demand, the Resident should give immediate Notice to the Officer in Command of the Detachment, that he might march accordingly. And the said Warren Hastings further says, that he did accordingly, by Letter, and by means of the said Resident, apprise the said Rajah of such Resolution, who having afterwards promised to pay the said Sum, did notwithstanding renew his said false Pretence of Inability, and withhold the Payment thereof, to the great Injury of the public Service; whereupon the said Resident, in pursuance of the aforesaid Directions of the Board, did require Major Camac to march to Benares with the Detachment under his Command; and the said Sum of Five Lacks was, in consequence thereof, paid in full by the said Cheyt Sing, together with the Expence incurred by the March of the said Detachment. And the said Warren Hastings further says, that in the Month of August, One thousand Seven hundred and Seventy-eight, Advices were sent by the Governor General and Council to the said Court of Directors,

con-

containing an Account of the Measures pursued by the Board upon the Receipt of the Intelligence of a War in Europe, One of which Measures was the said First Demand of Subsidy from the said Cheyt Sing, in the Year One thousand Seven hundred and Seventy-eight, and which Measure had been, by a Minute at the Board, referred to the said Court for their Decision on the Right to demand the same. And the said Warren Hastings further says, that in or about the Month of December, One thousand Seven hundred and Seventy-nine, Letters were received from the said Court of Directors, acknowledging the Receipt of the said Advices; but in the said Letters the said Court of Directors did not express any Disapprobation either of the Demand itself, or of the Right to make or enforce the same. And the said Warren Hastings further says, that afterwards, on Twenty-second June, One thousand Seven hundred and Eighty, the Governor General and Council, he being then Governor General, did again unanimously resolve to demand from the said Rajah Cheyt Sing, a further Sum of Five Lacks of Rupees; and which was accordingly demanded on account of the same Exigencies as had occasioned the Demands made in the Two preceding Years. And the said Warren Hastings says, that the said Cheyt Sing did, on the said Demand being made known to him, consent and promise to comply with the same; but notwithstanding such Promise and Consent, he did again, under various false Pretences, delay and withhold the Payment of the said Sum, to the great Detriment of the public

E 2

Service;

Service; whereupon the said Governor General and Council did, on the Motion of the said Warren Hastings, unanimously order that Mr. Fowke, then Resident at Benares, should inform the Rajah that the Board were much displeased with his affected Delays, knowing his Ability to make the immediate Payment of the Subsidy; and that the said Resident should peremptorily require him to discharge the same. And the said Warren Hastings further says, that afterwards, on the Twenty-sixth October, One thousand Seven hundred and Eighty, the Board having been informed, by a Letter from the said Resident, that the Rajah, notwithstanding his solemn Assurance, had paid no Part of the Balance of his Subsidy, but had resumed his Plea of Inability, and that the said Resident could form no Opinion how long the said Cheyt Sing might think proper to protract the Payment, the said Board did, on the Recommendation of the said Warren Hastings, resolve that the said Resident should be directed to demand instant Payment of the Balance due on Account of the Subsidy of the said Cheyt Sing; and that, if he should not have paid it at the Time of the Receipt of their Order, that the said Resident should, in the Name of the Board, exact Payment of the further Sum of One Lack of Rupees, as a Fine for his past Disobedience; and that, to enforce such Order, Brigadier General Stibbert should be directed to issue Orders to the Commanding Officers of the Battalions of the nearest Station to Benares, to march immediately to that Place, and to wait such Orders as might be thereafter transmitted to them; and that, in the mean time, the
Board

Board should be informed of the Reception given by the Rajah to that Order, which, it was hoped, might be such as should render it unnecessary to proceed to Extremities against him: But the said Warren Hastings says, that the said Balance being discharged, the proposed Fine was not then levied. And with respect to so much of the said First Article as relates to the said Sum of Two Lacks of Rupees therein stated to have been privately received by the said Warren Hastings, from a Person named Sadanund, Buxey or Treasurer to the said Rajah, as a Present or Bribe, and which, by the said First Article, is supposed to have been given on the Account therein stated, the said Warren Hastings (referring to his Answer hereinafter made in this Behalf) denies that the same, or any other Sum of Money, was ever received by him, as a Bribe, or for his own Use, or for any corrupt or criminal Purpose whatever, or was ever so applied.

AND the said Warren Hastings saith, that on or about the Second November, One thousand Seven hundred and Eighty, it was agreed in Council that the said Warren Hastings should be requested to write to the Rajah of Benares, requiring him to furnish such Part of the Cavalry entertained in his Service as he could spare for the Service of the Company, and to inform the said Warren Hastings what Number he the said Rajah could supply; and it was likewise agreed, that a Letter should be written to Mr. Fowke, the Resident at Benares, directing him to make the same Requisition; and the said Resident was directed to inform
the

the Rajah, that the said Force would be no longer required than during the Continuance of the War which then existed, and that it would be returned at the Close of it; which Requisitions were accordingly made; and the said Warren Hastings avers that the same were, in the then State of the Company's Affairs, expedient and necessary to be made; and he denies that the Resolution last mentioned was made, or that he proposed or concurred therein, in Prosecution of any malicious or criminal Design whatever.

AND the said Warren Hastings denies, that he did enter into any Negotiation with the Nabob of Oude for the Sale of the said Territories to the said Vizier for a Sum of Money to be paid to the East India Company, as in the said Article is alledged; but the said Warren Hastings insists that if he had entered into a Negotiation with the said Vizier on this Subject, he would not have been thereby guilty of any Act in Defiance of the Letter or Spirit of any Treaty, or Agreement, then subsisting between the said Rajah and the East India Company.

AND the said Warren Hastings says, that he did some Time in the Month of January, in the Year One thousand Seven hundred and Eighty-one, in consequence of repeated Representations, the Truth whereof he had then sufficient Reason to believe, write a Letter to the said Rajah Cheyt Sing, which he conceives to be alluded to in the said First Article, of which the following is a Copy: "Frequent Representations having been made to me of the
" Want

“ Want of Punctuality in the Payment of your
 “ Malguzary, that Part more particularly which
 “ is designed for the Disbursement of Saudut
 “ Ally Khan’s Salary ; and it having at this
 “ Time more than any other a bad and suspi-
 “ cious Appearance, I do peremptorily order
 “ that all Arrears of whatsoever Kind be paid
 “ up within Twenty-four Hours after the
 “ Receipt of this Perwanna, or you must expect
 “ that bad Consequences will follow.” And
 the said Warren Hastings denies that the said
 Letter was written with any of the criminal
 Motives or Designs in the said Article charged
 upon him, or that he was in any other Manner
 criminal in respect thereof. And the said War-
 ren Hastings further says, that in or about the
 Month of July, One thousand Seven hundred
 and Eighty-one, it was resolved in Council,
 amongst other Things, that he the said Warren
 Hastings should be invested with full Power
 and Authority to form such Arrangements with
 the Rajah of Benares for the better Government
 and Management of his Zemindary, and to per-
 form such Acts for the Improvement of the In-
 terest which the Company possessed in it, as he
 the said Warren Hastings might think fit and
 consonant to the mutual Relation, and actual
 Engagements, subsisting between the Company
 and the said Rajah. And the said Warren
 Hastings admits that he did concur in the said
 Resolution, but he denies that he did thereby
 invest himself with an illegal or dangerous De-
 legation of the Powers of the whole Council,
 without any Authority given to him so to do
 by the East India Company, or by any Act of
 Parliament; or that the said Delegation was in
 any

any Manner illegal or dangerous, or unwarrantable: And further the said Warren Hastings admits, that he did undertake a Journey to the Upper Provinces, and in particular to the Province of Benares; but he denies that he undertook the said Journey from the Motives, or with the Designs, in the said First Article alledged.

AND the said Warren Hastings further denies, that he did, in Prosecution of any false, wicked, or malicious Pretences, or wantonly, arbitrarily, or tyrannically degrade, insult, or falsely accuse the said Rajah, as in the said First Article is stated: But the said Warren Hastings admits, that he did charge the said Rajah with certain Acts of Misgovernment and Disaffection, and with Breach of Faith and Duty to the East India Company; which Charges were set forth in a Paper Writing signed by him the said Warren Hastings, and delivered to the said Rajah, and which Charges the said Warren Hastings did then believe, and does now believe to be true: And the said Warren Hastings admits that he the said Rajah did manifest such Behaviour, and use such Expressions, as are in the said First Article stated. But the said Warren Hastings having Reason to distrust the Sincerity of the said Rajah, did, at the Commencement of the Proceedings, which he then deemed, and now insists were necessary and fit to be adopted on the said Occasion, order the said Rajah to be put under Arrest; but he denies that the said Arrest was a Measure of such Nature, or attended with such Circumstances, or productive of such Effects, as are stated in the said First Article. And he further says,

6

that

that a Party of the Company's Sepoys having been placed as a Guard over the said Rajah, a Body of Troops in his Pay did, in his Presence, attack the said Guard, the greatest Part of which Guard, both Officers and Men, were either killed or wounded: And the said Warren Hastings denies that the said Attack was of such a Nature, or occasioned by such Circumstances, as are in the said First Article mentioned. And he says, that during the Continuance of the same, the said Rajah did, in Breach of the said Arrest, withdraw to a Fort in the Neighbourhood, belonging to him the said Rajah.

AND the said Warren Hastings admits, that the said Rajah did afterwards send divers Letters to him the said Warren Hastings, of such Nature as in the said First Article is stated; to which the said Warren Hastings, for good and sufficient Reasons, did not return any Answer. And the said Warren Hastings admits, that he did impute the said Rebellion to such Designs and to such Intentions of the said Rajah, as are suggested in the said First Article; but he denies that the said Rebellion was raised by any Violence, Breach of Faith, or Oppression, on the Part of him the said Warren Hastings.

AND he further denies, that he did unnecessarily or criminally hazard the Safety of the British Empire in the East, upon the Event of a Civil War. And the said Warren Hastings says, that he did, in Discharge of his public Duty, by means of the Company's Troops, expel the said Rajah from the said Zemindaries, to which he had forfeited his Right: But the

said Warren Hastings denies, that, in so doing, he acted wickedly, arbitrarily, or tyrannically. And he further denies, that the subsequent War with the said Rajah was, on the Part of the East India Company, unjust; or that the Consequences which arose therefrom, are in any Manner imputable to him the said Warren Hastings; or that he was guilty of any Misconduct, Violence, Tyranny, or Improvidence, in respect to the same.

AND the said Warren Hastings denies, that he was guilty of any Extortion or Exaction whatsoever; or that by all or any the aforesaid Acts, Demands, Arrest, or Expulsion, of the said Cheyt Sing, or in respect of any other Acts or Omissions, he has in any Manner violated the Trust reposed in him, the Faith of Treaties, or has acted contrary to his own Sense of Duty; or that he has in any Manner disgraced or discredited the Character of the British Nation in India; or that he has, by all or any of the aforesaid Acts, been guilty of any Crime or Misdemeanour whatsoever.

AND the said Warren Hastings further says, that after the Company's Troops had been so cut off, and the said Cheyt Sing had so broken his Arrest at Benares as aforesaid, and whilst the said Cheyt Sing was at the Head of a numerous Force, and carried on War and Rebellion against the said Company, he, the said Warren Hastings, did direct an Attack to be made upon the Fort called Bidjegur, in the said Article mentioned; which Fort was garrisoned and defended by the Troops of the said Cheyt Sing,
against

against the Troops of the said Company. And the said Warren Hastings admits, that, at the Time of such Attack, Panna, the Mother of the said Rajah, and the surviving Women of the Family of Bulwant Sing, were in the said Fort. And the said Warren Hastings admits, that he did give Orders to seize the said Fort; and further, that he did give Orders to seize upon all the Money and Effects that might be found in the said Fort; but he denies that he did issue any Orders, directing that the Fort, and all the Property it contained, should be secured for the Benefit of the Detachment employed in reducing it; or that he did abandon to the Soldiery the Property of the said Women; or that he did in any Manner stimulate the Army to Rapine or Outrage. But the said Warren Hastings further says, that the said Panna having proposed to him to surrender the said Fort and the Treasure therein contained, on certain Conditions specified by herself, he did, in a Letter to Major Popham, declare that he accepted the said Surrender upon those Conditions, provided the Proposal was fully carried into Effect within Twenty-four Hours after the Time of her receiving his Answer thereto; and did at the same Time intimate, that if she should refuse to execute the Promise so made by herself, or should delay the Execution of it beyond the Time aforesaid, the said Warren Hastings would then consider it as a wanton Affront and Indignity, which he could never forgive. And the said Warren Hastings says, that being at the Distance of several Miles from the said Fort at the Time of the Surrender thereof, he was afterwards informed by Major

Popham, who then commanded the Company's Forces at the Siege of the said Fort, that the said Panna having come out of the Fort with her Family and Dependants at a late Hour of the Night, which prevented such Attention being paid to her as he the said Major Popham wished, her People were, notwithstanding all he could do, plundered on the Road of most of the Things which they brought out of the Fort, by the Followers of the Army under the Command of the said Major Popham, by which Means one of the Articles of Surrender was much infringed;—that the Distress he Major Popham felt upon that Occasion could not be expressed, and could only be allayed by a firm Performance of the other Articles of the Treaty, which he would make it his Business to enforce.

AND the said Warren Hastings says, that upon the Receipt of the Letter last mentioned, he wrote to the said Major Popham, expressing the Concern of him the said Warren Hastings, that the Licentiousness of any Persons under the Command of the said Major Popham should have given Cause to complain of the Infringement of the smallest Article of the said Capitulation, and hoping that he would discover the Offenders, and oblige them to make Restitution, and also to punish them in the most exemplary Manner; and declaring, that he relied on the Humanity and Justice of the said Major Popham to make all the Recompence in his Power, by a scrupulous Attention to enforce the Performance of the remaining Stipulations in favour of the said Panna. And the said Warren

ren Hastings believes, that an adequate Compensation was afterwards, in consequence of such Letter, made to the Persons plundered.

AND the said Warren Hastings denies, that he did ever give any Licence or Permission to the Soldiers to plunder, or that he did ever make any such Declaration of Right as in the said First Article is alledged; but he says, that having received Information that the Property captured in the said Fort had been in Part distributed amongst the Officers and Troops present at the Capture of the same, he did, on the Fourteenth November, One thousand Seven hundred and Eighty-one, write a Letter to the said Major Popham concerning such Subject, in which, amongst other Things, he wrote as follows:

“ The Subject on which I am now to write is
 “ a very disagreeable and painful one to me,
 “ but indispensable. I have received Informa-
 “ tion which, though private, is certainly au-
 “ thentic, that you have already distributed one
 “ Dividend of the Treasure found in Bidjegur
 “ among the Officers and Troops on the Spot.
 “ If this be true, I am very sorry for it, as on
 “ many Considerations it appears to me, that
 “ such Distribution is premature. I apprehend
 “ that it is a Proposition not to be disputed, that
 “ every Thing acquired by the Army of a State,
 “ belongs to the State which employed those
 “ Arms. By Charters and Acts of Parliament,
 “ the sole Right to all Conquests or Captures
 “ made by the Company’s Arms, is vested in
 “ the Company. It was, however, my Inten-
 “ tion to have used my utmost Authority and
 “ Influence to have obtained for the Troops en-
 “ gaged

“ gaged in the Service against Cheyt Sing, the
 “ whole Booty which might be found in Bidje-
 “ gur, or other Places. I regarded it as the due
 “ Reward of their Services and Recompence of
 “ their Sufferings; but I never meant that they
 “ should seize it, and scramble for it. Besides,
 “ if the actual Right was in the Army at a
 “ Time like this, when the Exigencies of the
 “ Company are so great, surely they might have
 “ expected to have benefited by the immediate
 “ Use of it as a Loan. I had, I must own,
 “ such Confidence in your Discretion, that I
 “ did expect, if the Treasure found in the Fort
 “ should prove very considerable, you would
 “ not have proceeded to any Distribution of it,
 “ until you had reported the Amount to the
 “ Board, and obtained their Sanction for ap-
 “ propriating it to the Troops, or at least that
 “ you would have represented it to me, as I am
 “ so near you.”

AND the said Warren Hastings did in the
 same Letter further add, “ I must therefore re-
 “ quire of you to suspend any further Distribu-
 “ tion or Dividend, until the Orders of the
 “ Board respecting it are received; and I desire
 “ you will order and require the Officers who
 “ have already shared, to refund the Sums which
 “ they have respectively received, and acquaint
 “ them, if they do not, they will be respon-
 “ sible to Government; and that such Sums, as
 “ well as what shall remain, are and must be
 “ subject to the final Decision of the Board.”

AND the said Warren Hastings denies, that
 he was guilty of any Breach of Faith with the
 said

said Troops, or of any Breach of Duty to his Constituents; or that he has pretended to, or pursued, any dishonourable Object; or that he has been guilty of any Act of Injustice; or that in all or any of the Matters aforesaid, he has been guilty of any Crime or Misdemeanour whatsoever.

AND the said Warren Hastings says, that after the Expulsion of the Rajah Cheyt Sing from the Dominions of Benares, he did, without any previous Communication with the other Members of the Council, but in virtue of a competent Authority then vested in him for that Purpose, nominate and appoint Rajah Mehipnarin, the next Heir to the Zemindary of Benares, to the immediate Government of the same, and did appoint his Father Durbedjy Sing, Administrator of his Authority, and did continue William Markham Esquire in the Office of Resident on the Part of the Company.

AND the said Warren Hastings denies, that any Treaty or Agreement ever subsisted between the British Nation and the People of Benares, or that the said People were ever considered as, or did in fact constitute a State, or independent Power; but he says, that the Grant whereby the said Cheyt Sing held the Possession of the said Zemindary, having been forfeited as aforesaid, it became necessary to form a new Settlement of the said Zemindary; in consequence of which the said Warren Hastings did, by virtue of the Authority aforesaid, frame such Regulations, and make such Agreements as to him appeared necessary and proper. And he says, that the

Tribute was raised to the Amount stated in the said Article ; and that the Duties before imposed upon Goods and Merchandizes were by him reduced to certain fixed Tables and Rates ; but he denies, that any Measures adopted by him, on that Occasion, were arbitrary or tyrannical, wanton or illegal, or were in any other Respect of the Nature, or attended with the Consequences, stated in the First Article.

AND the said Warren Hastings denies, that he did dispose of, as his own, the Property within the said Provinces ; but he admits that he did grant Pensions to certain Persons, who he alledges were justly intitled thereto : And he begs leave further to represent, that the Whole of his Conduct in the several Measures above specified having been communicated by him the said Warren Hastings to the Council at Calcutta, they did fully approve of, and ratify the same.

AND the said Warren Hastings says, that he did, in the Year One thousand Seven hundred and Eighty-two, continue his Correspondence with William Markham Esquire, then Resident at Benares ; and in consequence of Representations from the said Resident, that the new Rent or Tribute was then in Arrear, and that the Affairs of the Province were likely to fall into Confusion, the said Warren Hastings being then at too great a Distance to consult the other Members of the Board, and fearing that dangerous Consequences would happen from such Delay as was necessary for the Purpose of communicating with the Council, did authorize and empower him, the said William Markham,

to remove the said Durbedjy Sing from his Office, and to deprive him of the official Allowance for the same; which Measure being afterwards notified to the Council, together with the Reasons for the same, the said Council did entirely approve thereof.

AND the said Warren Hastings says, that in consequence of the Representations aforesaid, and of other Information to the same Effect, he did direct the said Markham to take proper Measures for preventing the Flight of the said Durbedjy Sing, and the Removal of his Effects; whereupon the said Markham did deem it necessary to confine the said Durbedjy Sing in his own House, in which Confinement he was afterwards continued by the Orders of the Board: And the said Warren Hastings denies that the said Confinement was attended with Violence or Cruelty, or that the Nonpayment of the said Tribute was only a Pretence for the said Confinement; for the said Warren Hastings says, that the said Durbedjy Sing was then considerably in Arrear, in respect of Money by him received, and due to the Company on account of the said Tribute. And the said Warren Hastings further says, that after the said Durbedjy Sing had been removed from his Office, and a Successor appointed thereto, the Widow of Bulwant Sing, and the Rajah Mehipnarain, did write a Letter, in which, amongst other Things, they did accuse the said Markham of being the Cause of the Delay in the Payment of the Tribute aforesaid, and insist upon the Innocence of the said Durbedjy Sing. And he says, that having sufficient Reason to believe the aforesaid Representa-

G

tion

tion of the said Markham to be true, and to disbelieve the Charges brought against him in the said Letter, he the said Warren Hastings and the Council did not deem any particular Inquiry necessary relative to the same; but he denies that he did make any Accusation against the said Widow of the said Rajah for having preferred such Charges, though he admits, that he had, prior to the Receipt of such Charges, declared his Opinion of the Presumption of the said Widow and the said Rajah Mehipnarain on a former and different Occasion.

AND the said Warren Hastings further says, that the said Durbedjy Sing was afterwards, by the Authority of the Board, and at a Period subsequent to the Resignation of the said Warren Hastings, and his Departure for Europe, continued in Confinement for the same Causes which had originally rendered such Confinement necessary.

AND the said Warren Hastings further says, that the said Markham being authorized by him the said Warren Hastings, under the Circumstances aforesaid, to nominate a Naib to the Rajah in the Room of him the said Durbedjy Sing, did bestow the said Office upon a certain Person named Jagger-Deo-Sing, who did afterwards distress and harass the Inhabitants of the said Province; but the said Warren Hastings denies, that the said Jagger-Deo-Sing was by him, the said Warren Hastings, ever obliged to distress or harass the Inhabitants of the said Province. And the said Warren Hastings admits, that he did some Time in the Year One thousand Seven hundred

hundred and Eighty-four, being then at Lucknow, recommend to the Board the Measure of removing the said Jagger-Deo-Sing from his said Office on account of certain Irregularities and Oppressions by him committed, and that he was accordingly removed therefrom. But the said Warren Hastings denies that the Irregularities and Oppressions alleged upon that Occasion, were merely a Pretence for the Removal of the said Jagger-Deo-Sing, or that they were in any Degree imputable to him the said Warren Hastings.

AND the said Warren Hastings denies that he was guilty of any arbitrary, illegal, unjust, or tyrannical Acts whatsoever, or that any Measures by him adopted or enforced, were productive of any such Consequences as are stated in the said First Article. And he further denies, that in all or any of the Premises, he was or is guilty of any Crime or Misdemeanour whatsoever.

SECOND ARTICLE.

AND the said Warren Hastings, in answer to the said Second Article, says, that he believes the Mother and Grandmother of the present Vizier Affof o' Dowla, Nabob of Oude, are Women of high Rank, Family, and Distinction; but he has been informed, and believes, that Sufder Jung, Father of Shuja Dowla, and Grandfather of the present Nabob

of Oude, did not first obtain his Rank amongst the Princes of India, by means of his Alliance with the Grandmother of the present Nabob, although that Alliance might materially contribute to his Rank and Consequence.

AND the said Warren Hastings says, that the said Mother and Grandmother of the said Affof o' Dowla were in Possession of certain Jaghires, and of certain large public Treasures, which he has been informed and believes did belong to Shuja Dowla, late Nabob of Oude, and were the aggregate Surplus of his national Revenues, and other Funds collected to supply expected Emergencies, and by him deposited in the Hands of his said Wife, commonly called the Bhow Begum, as a Trust, and for the Purpose of Custody only, neither given to her in his Lifetime, nor bequeathed to her by Will.

AND the said Warren Hastings says, that Mr. Bristow, Resident at Oude, did, by sundry Letters to the Governor General and Council, inform them, that he had, at the Instance of the Nabob Affof o' Dowla, then considerably in Debt to the East India Company, made an Application to the said Bhow Begum to assist him with a Sum of Money, representing, amongst other Things, the Distresses of the said Nabob, and his Right to the said Treasures,

AND the said Warren Hastings says, that the said Bristow did further represent, that the said Begum did, in Answer to the said Application, declare to the Effect in the said Second Article stated.

AND the said Warren Hastings says, that the said Bristow did likewise represent, that an Agreement was afterwards concluded between the said Vizier and the said Begum, by the Terms of which, the Nabob acknowledged that he had taken from his Mother Thirty Lacks of Rupees, on account of present, and Twenty-six Lacks, on account of former Debts, in Specie, Goods, Jewels, Elephants, Camels, &c. from the Patrimony of his Father: That he had no further Claim on her, but renounced all further Demands on her, and engaged that he would never molest her in the Enjoyment of the Jaghires conferred on her by his Father, and that he would not in future demand any Loan from her: That he had no Claim on her, nor would he ever deviate from that Engagement; and to which Agreement, as to the further Contents thereof, the said Warren Hastings craves leave to refer: And the said Bristow did further represent, that such Agreement was solemnly confirmed by the said Vizier, and was guaranteed by him the said Bristow on the Part of the East India Company: And the said Warren Hastings admits, that the Guarantee thereof was afterwards, in November, One thousand Seven hundred and Seventy-five, confirmed by the Governor General and Council.

AND the said Warren Hastings admits, that he was apprised of the Nature and Extent of the said Guarantee, and has declared his Sense of the binding Force and Operation of the same; and that in the Year One thousand Seven hundred and Seventy-eight, such Letter, respecting the Protection of the said Begum, was written by
the

the Governor General and Council to Mr. Middleton, then Resident at Oude, as in the said Second Article is set forth.

AND he further admits, that the elder Begum was in Possession of certain Jaghires and Effects; and that she, in or about the Year One thousand Seven hundred and Seventy-eight, made such Application to the Governor General and Council, through the then Resident Nathaniel Middleton Esquire, respecting the same, as in the said Second Article is set forth: And that the Governor General and Council, the said Warren Hastings being then Governor General, did thereupon direct the said Mr. Middleton to make such Representation to the Nabob as is stated in the said Article: And the said Warren Hastings does not know or believe, that any other Interferences, Powers, or Authorities, were made, given, granted, or confirmed by the said Governor General and the said Council for the Purpose aforesaid; and he denies that any Guarantee of the British Nation, or any Guarantee of any Kind whatsoever, was by the Resident under the Authority of the said Warren Hastings ever pledged to the said elder Begum for her Protection; and the said Warren Hastings says, that on the Third of July, One thousand Seven hundred and Eighty-one, it being then deemed necessary that the said Warren Hastings should visit the Dominions of the Vizier, and the Board of Council at Calcutta, by the Absence of the Commander in Chief, then consisting of himself and Mr. Wheler only, he did, by a Minute then entered on the Consultations at Bengal, taking Notice of his intended Depart-

Departure, declare that Mr. Wheler, during his Absence, " would be by the Constitution " possessed of the full Powers of the Governor " General and Council of that Government ;" and that afterwards an Order was made by the Governor General and Council at Fort William, " That all such Orders as the said Warren " Hastings should think it proper to issue to the " Troops stationed beyond the Provinces, as " well in the Dominions of the Nabob Vizier " as those which are situated beyond them, " should be obeyed; and that his single Authority should be considered and received as of " the same Force as that of the Governor General and Council collectively, until that " Order should be revoked." And it was further ordered, " That the Military Power vested in the said Warren Hastings as Governor " and Commander in Chief of the Fortresses of " Fort William and Town of Calcutta, should " be exercised by Edward Wheler Esquire, " during the Absence of the Governor General." And the said Warren Hastings says, that he did not then, or at any other Time, confer upon himself a full and complete Delegation of the whole Power and Authority of the Governor General and Council of Fort William, nor was such whole Power or Authority ever in any Manner conferred upon, or delegated to him; but the said Warren Hastings says, that certain Powers, which were in the then State of public Affairs deemed proper and necessary, were vested in him on that Occasion by certain Credentials given to him under a Resolution of the Board, made on the said Third of July, One thousand Seven hundred and Eighty-one, and to which

which he craves Leave to refer. And the said Warren Hastings denies, that the Powers, Authority, or Command, so conferred upon him, were conferred upon him by himself, or by his sole Authority, apart from, or independent of that of the Governor General and Council; or that the Powers, Authority, or Command, so conferred, were in any Manner illegal or unwarrantable, or contrary to his Duty, or to the Nature of the Powers antecedently vested in him. And the said Warren Hastings says, that the said John Bristow Esquire, who had been nominated and appointed by the Court of Directors to be the Resident at the Court of Oude, was, after such Nomination and Appointment thereto, recalled by the Governor General and Council of Bengal, for Reasons of public Expedience then warranting such Recal.

AND the said Warren Hastings denies, that he did ever arrogate to himself alone the Right of appointing a Resident at the Court of Oude, or that he ever invested the said Nathaniel Middleton with the said Office by his sole Authority, and without the Concurrence of the rest of the Council; but he says, that the said Nathaniel Middleton was invested therewith by the Appointment of the Governor General and Council, with the Powers usually annexed to that Office.

AND the said Warren Hastings denies, that the Nabob of Oude was dependent upon, or under the Controul of the Governor General of Bengal: And he further denies, that he did by all, or any of the supposed Means stated in the

the said Article, or by any other, render himself responsible, or that he was in fact responsible, for the good Government of the Dominions of the said Nabob.

AND the said Warren Hastings admits, that he was bound by the Ties of Justice and good Faith, by the Duties of his Office, and the Trust reposed in him, to adhere to Treaties entered into, and guaranteed by the East India Company, or the British Nation, and to attend to the Happiness and Security of the Properties, Possessions, Liberties, and Lives of those who were subject to the British Power in India.

AND the said Warren Hastings says, that under the above-mentioned Delegation of Authority, which he avers was legally made to him, he did, in the Prosecution of certain Objects mentioned in his Minute, dated the Twenty-first Day of May, in the Year One thousand Seven hundred and Eighty-one, undertake a Journey to the Upper Provinces, and did meet the aforesaid Nabob of Oude at a certain Place called Chunar, and did there enter into a Treaty or Agreement with the said Nabob, called the Treaty of Chunar; by which Treaty, after reciting, that great Distress had arisen to the Nabob's Government from the Military Power and Dominion assumed by the Jaghiredars, it was amongst other Things agreed, " that the said Nabob should be permitted to resume such Jaghires as he should find necessary, with a Reserve for all such, for the Amount of whose Jaghires the Com-

H

pany

“ pany were Guarantees, who should, in case
 “ of the Resumption of their Lands, be paid the
 “ Amount of their net Collections through the
 “ Resident in Money;” but the said Warren
 Hastings denies, that by entering into a Treaty
 containing such Permission as aforesaid, he was
 guilty of any Violation of his Duty, or of the
 Faith of any Treaties, of the Sanction of the
 Company’s Guarantee, or of any Disregard to
 Justice or good Faith, or that the same was by
 him entered into in any Manner wickedly,
 corruptly, or maliciously. And the said War-
 ren Hastings avers, that at the Time of exe-
 cuting the said Treaty, he had sufficient Rea-
 son to believe, and did believe, that the Begums
 had been guilty of such Acts of public Mis-
 conduct, as reasonably and justly warranted the
 making of that Treaty, so far as the same
 respected the said Begums.

AND the said Warren Hastings denies,
 that he did ever invest the said Middleton with
 almost an absolute, or with any Authority over
 the Dominions of the said Nabob: And he fur-
 ther denies, that the said Nabob was by him,
 the said Warren Hastings, compelled to be-
 come, or ever did become, the Instrument of
 Outrage or Extortion against his own Parents;
 or that he did force the said Nabob to yield
 Acquiescence to the Desires of him the said
 Warren Hastings, or did force the said Nabob
 to issue his own Orders for the Purposes in the
 said Second Article stated. And the said War-
 ren Hastings avers, that the Resumption of the
 said Estates and Jaghires was, in the then Situa-
 tion of Affairs, a just, necessary, and expedient
 Mea-

Measure, as well on the Part of the Nabob, as of the East India Company; and he admits, that the same was carried into Effect, in a great Degree, by and with the Approbation and Concurrence of him the said Warren Hastings; but he says, that he neither directly nor indirectly approved or concurred in the Use of any Cruelty for the Purpose of carrying the same into Effect, nor does he believe that any such Cruelty was ever used, nor did he approve or concur in the Use of any further Violence than was necessary to enable the Nabob to accomplish what the said Warren Hastings then deemed, and still deems, to have been a necessary and justifiable Purpose. And the said Warren Hastings denies that the said Measure was of the Nature, or did produce the Effects, or Consequences, stated in the said Second Article. And the said Warren Hastings says, that after the said Measure had been fully carried into Execution, he did, from a Conviction of its Propriety, with the Approbation of the Board, direct the Resident of Oude to use his Influence with the Nabob, to prevent any Restoration of the Jaghires till the Board should be fully apprised of his Intentions on that Subject. And the said Warren Hastings says, he has been informed, and believes, that the Estates and Jaghires so resumed, were first assigned by the said Nabob to the Resident in Part-payment of real and just, and not a pretended or colourable Debt of the said Nabob to the Company, and that they were finally mortgaged to Shroffs for the Purpose of discharging the said Debt. And the said Warren Hastings says, that Steps were taken, by the Authority of the said War-

ren Hastings and the rest of the Board at Calcutta, to procure the Amount of the said Jaghires to be paid to the said Begums; and he denies that the said Begums were by these Acts reduced to Difficulty, Distress, or Want.

AND the said Warren Hastings denies, that by all or any of the Acts or Proceedings, or by the Means of effecting the same above stated, he was or is guilty of any Violation of the Guarantee of the said British Nation, or of any Breach of the Treaty of Chunar, or of any Fraud, Violence, Extortion, or Injustice, or of any Crime or Misdemeanour whatsoever.

AND the said Warren Hastings says, that he did, in the Exercise of the Powers legally delegated to him as aforesaid, and not in Violation of any Engagements, nor upon any Pretence false, frivolous, wicked, or malicious, communicate to Mr. Middleton the Resident at the Court of Oude, through Sir Elijah Impey, in the said Second Article mentioned, his Approbation of a Resolution which the Nabob had formed to resume the Treasures belonging to the late Vizier, in the Possession, not of the said Begums, but of the Bhow Begum only, and to appropriate the same to the Discharge of his the said Nabob Affof o' Dowla's Debt to the East India Company; which Measure was, in the Judgment of the said Warren Hastings, expedient, just, and necessary: And he denies that any Order, by him given in respect to the said Resolution, was forced upon the said Nabob; or that his Consent thereto was obtained in the Manner stated in the said Second Article.

AND

AND the said Warren Hastings further says, that the said Begums being in Possession of a considerable Force, and having made Declarations which denoted an Intention to resist the Troops of the said Nabob, unless the same should be assisted by the Troops of the Company, the said Warren Hastings did, in a Letter from him the said Warren Hastings to the said Nathaniel Middleton, dated Twenty-sixth December, One thousand Seven hundred and Eighty-one, give such Orders as appeared to him proper and necessary for assisting the said Vizier in the Recovery of the said Treasure; and he admits that the said Letter did, among other Things, contain Expressions to the Effect stated in the said Second Article, but to which, for the whole of the Orders by him given upon that Occasion, he craves leave to refer: And he denies that he did thereby, or by any other Order, stimulate or encourage the said Nathaniel Middleton to any Degree of Outrage or improper Severity, but on the contrary he avers that he did, in the said Letter, declare to the said Nathaniel Middleton that it must be his Care to prevent an Abuse of the Powers given to those employed in the said Service, and that he himself ought to be personally present.

AND the said Warren Hastings denies that he did order a large Force to be marched into the Territories of the said Vizier without any Request from him for that Purpose, or contrary to his Desire and Inclination; but the said Warren Hastings says, that the said Nathaniel Middleton did, by a Letter addressed to the said Warren Hastings, and dated the Nineteenth Decem-

December, One thousand Seven hundred and Eighty-one, represent as follows: " The Nabob
 " Vizier having appointed an Aumil to take
 " charge of the Begum's Jaghires, she has, it
 " appears, prepared a large Body of Troops
 " with a supposed Design to resist them, a vio-
 " lent and threatening Letter which I have just
 " received from the Begum, would seem to leave
 " no Doubt of her Intentions to support the
 " already declared Licentiousness of her Ser-
 " vants in opposing the Nabob's Orders. I have,
 " therefore, been obliged to join my Solicita-
 " tions to the Vizier's for obtaining a Regiment
 " from Colonel Morgan to support the Aumil
 " in the Execution of his Excellency's Com-
 " mand; and I may add, that unless my Judg-
 " ment far misleads me, we shall be in want of
 " still farther Aid before the Measure of resum-
 " ing the Jaghires shall become fully established,
 " and the Country restored to that State of
 " Tranquillity and Subordination which it en-
 " joyed before the Contagion spread by Cheyr
 " Sing's Machinations." Whereupon the said
 Warren Hastings did direct Four Regiments of
 Sepoys to be marched to support the Autho-
 rity of the Vizier, and maintain the Tranquil-
 lity of his Country by such Means as the said
 Vizier should think proper to direct: And the
 said Warren Hastings further says, that the
 said Nathaniel Middleton having afterwards re-
 presented to the said Warren Hastings, that the
 said Nabob might object to so great an addi-
 tional Force, the said Order was countermand-
 ed, and One Regiment only was sent on the
 said Service.

AND

AND the said Warren Hastings further says, that he has been informed that the said Mr. Middleton did, in consequence of the aforesaid Order, proceed with the said Nabob to the City of Fyzabad, where the said Begums and their Troops then were, with a Regiment belonging to the said Company, and a Body of Troops belonging to the said Nabob; the whole of which last-mentioned Force acted under the Authority and Orders of the said Nabob in the Prosecution of the said Service: And the said Warren Hastings further says, that having been afterwards informed by a Letter from Major Naylor, who then commanded the said Regiment belonging to the said Company, that Two Days had passed in Negotiation, but without Effect, during which Time the Party in the Town had collected and hourly gained Strength; and that after mature Deliberation it had been resolved to storm the Town; he the said Warren Hastings did, on the Ground of such Representation, charge the said Nathaniel Middleton with improper Delay in having suffered such Time to pass in Negotiation, contrary to the said Orders of him the said Warren Hastings: And the said Warren Hastings says, that he has been informed that the said City was, by the said Force under the Orders and Authority of the said Nabob, taken by the said Force; and that the Citadel, in which the said Begums resided, was secured: And the said Warren Hastings, denying that his said Orders did authorize any improper Violence, or any Cruelty or Extortion, and declaring that he does not know or believe that any such were committed by any Persons acting

ing under his Orders, or that the Discovery of the said Treasure was extorted in the Manner or by the Means in the said Second Article stated, further says, he has been informed that the Two principal Eunuchs belonging to the said Begum were at the Head of the Force within the said Town, and did, on the same being taken as aforesaid, surrender themselves to the said Nabob, and were by him delivered over to the Charge of the Company's Troops acting as aforesaid, on certain criminal Charges exhibited against them by the said Nabob, who did not think it safe or prudent to trust them in the Custody of his own Sepoys. And the said Warren Hastings further says, that it was represented to him, that an Agreement having been made between the said Begum and the said Nabob, relative to his Demand on the said Treasure, the said Eunuchs did enter into a Security for the Sum of Money agreed to be paid by the said Begum in Discharge thereof, and that a considerable Part of the said Sum was produced by the said Eunuchs from Places of Concealment, and paid to the said Nabob; and that Securities for the Remainder were given by the said Eunuchs, to the said Nabob. And the said Warren Hastings further says, that the Sum so paid to the Nabob, and the said Securities, were transferred to the Resident by the said Nabob on account of his Debt to the Company. And the said Warren Hastings says, he has been further informed that the said Securities not being paid when due, the said Eunuchs were, by Order of the Nabob, put under Restraint for the Recovery of the said Sums, and were at length discharged without having fully performed the
said

faid Engagement. And the faid Warren Hastings denies that the faid Eunuchs were compelled by the faid Middleton, or his Assistant Resident Johnson, to enter into the faid Securities in prosecution of any Orders of him the faid Warren Hastings, for the Purposes in the faid Article mentioned, or in order to satisfy any unjust, oppressive, or rapacious Demands of him the faid Warren Hastings; and he does not know or believe that the faid Securities were in fact obtained by Compulsion by the faid Middleton, or the faid Johnson, or that the faid Middleton, or the faid Johnson, did extort Payment of the same, or of any Part thereof, in the Manner and under the Circumstances in the faid Article mentioned, or that they did in any Manner extort such Payment.

A N D the faid Warren Hastings has been informed that a Sale, or pretended Sale, was made of some of the Effects of the faid Begum towards the Payment of the faid Sum agreed to be paid to the Nabob. And the faid Warren Hastings denies that all or any of the faid Transactions, so far as the faid Warren Hastings, by any Act of his own, or by any Orders given by him, was concerned in the same, were conducted with any Circumstances of Atrocity, or were the Means of producing any of the Effects on the faid Begums in the faid Second Article set forth, or were in any Manner disgraceful to the British Name and Character.

A N D as to so much of the faid Second Article, as relates to the Women and Children of the late Nabob Shuja Dowla, the faid

Warren Hastings denies that they were in any Manner dependent upon both, or either of the said Begums; but he says, that the said Women, who were mostly Persons of low Condition, and the said Children, if any such there were, lived in the Khourd Mhal, on an Establishment entirely distinct from the said Begums, and were dependent for their Support solely on the said Nabob Vizier, by whom a Tuncaw, or Assignment, was granted on the Fousdarry of Sultanpore for their Support: And he says, the Receipt and Application of the Produce of the said Tuncaw were entirely entrusted to Officers appointed by the said Vizier, without any Interference whatsoever on the Part of the English Government: And the said Warren Hastings has heard, that, from Neglect in the Officers of the said Vizier, the Persons residing in the said Khourd Mhal have suffered occasional Distress; but the said Warren Hastings denies, that such Distress did in any respect proceed from any such Causes as are in the said Second Article set forth; or that such Persons were, by such Means as are in the said Article stated, or by any Means, made, used, authorized, or permitted, by the said Warren Hastings, reduced to the Want of the Necessaries of Life, or exposed to any of the Circumstances of Shame, or Cruelty, which are enumerated in the said Second Article; or that, to his Knowledge or Belief, any such Circumstances did at any Time in fact take place: And the said Warren Hastings further denies, that he is in any Manner responsible for any Circumstances of Cruelty or Barbarity, if any such did exist; or that any such were the Consequences of any Powers

Powers assumed, or Orders given, by the said Warren Hastings; or that he did assume any illegal Powers, or give any atrocious or unjust Orders whatsoever.

AND as to so much of the said Second Article as states, "that many of the said Severities and Cruelties," in the said Article stated, "being made known to the said Warren Hastings, by the Resident or others; and that he (the said Warren Hastings), although informed of the same, did take no Steps for the Redress of the said Cruelties, but, on the contrary, did declare the same to be justly merited, and did stimulate and encourage his Agents and others to continue and enforce the same;" the said Warren Hastings says, that the only Declaration made by him, relative to any of such Subjects, is contained in the Instructions given by the said Warren Hastings, conformably to a Reference from the Board of Council, and with their Knowledge and Approbation, on the Twenty-third of October, in the Year One thousand Seven hundred and Eighty-two; and which is as follows:

"THE Severities which have been exercised towards the Begums were most justly merited, by the Advantage which they took of the Troubles in which I was personally involved the last Year, to excite a Rebellion in the Nabob's Government, and to complete the Ruin which they thought was impending on ours."

AND the said Warren Hastings denies that the said Declaration did, or could relate to any Severities exercised towards, or Distresses suffered by, the Persons residing in the said Khourd Mhal, or that he did ever stimulate or encourage his Agents, or any Persons whatsoever, to continue or enforce such Severities or Distresses. And the said Warren Hastings says, that he had not, at the Time of making the said Declaration, nor for above Nine Months after the said Declaration was made, received any Information, or Accounts of any Kind, nor had any such been sent, nor had he any Knowledge whatsoever, relative to any Distresses, or Sufferings, of any of the said Persons belonging to the said Khourd Mhal; the First Intelligence received by the said Warren Hastings, relative thereto, being in the Month of August, One thousand Seven hundred and Eighty-three, when various Complaints having been preferred to the Board against the said Bristow, by the Vizier and Hyder Beg Khan, the said Bristow did, in order to criminate the said Vizier and Hyder Beg Khan, inclose in a Letter, bearing Date the Thirtieth July, One thousand Seven hundred and Eighty-three, addressed to the Board, certain Letters and Papers relative to the Distresses of the said Persons in the Khourd Mhal, which Distresses were represented to have happened in the Months of March and October, One thousand Seven hundred and Eighty-two, and to have been afterwards relieved at the Instance of the said Bristow, by the said Vizier: And the said Warren Hastings denies that all or any of the supposed Actings, Doings, and

and Proceedings, by him the said Warren Hastings, or by his supposed Authority, Council, Connivance, or Neglect, done, perpetrated, or omitted, were of the Nature, or productive of the Effects, or accomplished by the Means, in the said Article mentioned, or that he is in all or any of the several Respects above mentioned guilty of any Crime or Misdemeanour,

AND the said Warren Hastings denies that he ever endeavoured to set up any false, frivolous, wicked, or malicious Pretences, in Justification of any Acts of him the said Warren Hastings, or that he ever attempted to impose any such upon the Directors of the East India Company, or the British Nation, or that he ever brought any malicious or unfounded Accusations against the said Begums, or that he has ever endeavoured to support such Accusations as were brought against them, by any Means disgraceful to the British Government, or by any Prostitution of the Character of British Justice in India. And the said Warren Hastings denies that he did stifle, or in any Manner unduly prevent, an Enquiry into the Crimes charged against the said Begums, or that he was bound to make such Enquiry in Consequence of any Declarations or Directions of the Court of Directors, or that the said Court did make such Declarations, or send such Directions relative thereto, as are in the said Second Article mentioned. And the said Warren Hastings admits, that inasmuch as he did not apprehend that an Enquiry, for the Purpose above stated, was either commanded by the said Direc-

Directors, or in any Manner necessary or expedient to be made, he did vote against a Proposition made by Mr. Stables for that Purpose; but he denies that he did thereby endeavour to pass an Act of Indemnity for his own Crimes, he, the said Warren Hastings, not being conscious of any Crimes requiring such Indemnity; nor did insult the Sufferings of any Allies of the Company, nor shew a Contempt of the Authority or Opinion of the Court of Directors. And the said Warren Hastings, as to the Matter of Aggravation in the Second Article, lastly suggested, denies that all or any of his Acts did originate in any Corruption whatsoever, or did originate in, or were in any Manner influenced by, the supposed Present or Bribe, in the said Second Article mentioned, or that he the said Warren Hastings did, at or about the Time of executing the said Treaty at Chunar, or at any other Time, accept or take to his own Use a Present or Bribe of One hundred thousand Pounds, or of any other Sum, from the said Nabob of Oude, or that he did in any Manner act contrary to his Duty, the Orders of his Masters, or the positive Directions of Law, or to the Discredit, Disgrace, or Dishonour of the British Name or Character.

THIRD

THIRD ARTICLE.

IN Answer to the Third Article, the said Warren Hastings says, he has been informed that an ancient Friendship did subsist between the Nabob Shuja Dowla, Vizier of the Empire, and the House of Muzuffer Jung, in the said Third Article mentioned; but whether any and what Treaties in particular were entered into between the said Shuja Dowla and Ahmud Khan, the said Warren Hastings does not know nor can set forth; he believes, however, that the said Ahmud Khan was a Chief of the Nation of Affghans or Patans, of such Family, and whose Ancestors filled such Station in the Annals of Indostan, as is stated in the said Third Article: But the said Warren Hastings says, that he does not know or believe that the Ancestors of the said Ahmud Khan have been, from an early Period, or ever were, Friends, or Allies, of the British Power in India.

AND the said Warren Hastings says, That he does not know nor is informed whether,
 “ during the Life of the said Ahmud Khan, the
 “ said Shuja Dowla did unjustly withhold and
 “ retain Possession of certain Territories which
 “ did of Right belong to the said Ahmud
 “ Khan,” nor whether he and his Son and Successor Affof o’ Dowla, or either of them, did, under Pretext of Friendship, Protection, and
 Guardian-

Guardianship of Muzuffer Jung, Son and Successor to the said Ahmud Khan, make new and repeated Invasions of the Rights and Possessions of the said Muzuffer Jung, during his Minority, nor whether they did fraudulently obtain from the said Muzuffer Jung, an Instrument, or pretended Instrument or Treaty, derogatory to former Treaties, and the Rights of Muzuffer Jung; but he has heard and believes that a Treaty was entered into between the said Affof o' Dowla and the said Muzuffer Jung, sometime in the Year One thousand Seven hundred and Seventy-five; and that the said Affof o' Dowla did appoint and place an Officer called a Sezawel in the Territories of the said Muzuffer Jung. And the said Warren Hastings says, he has been informed that the Sezawel so appointed was severe in the Exercise of his Authority, in the Collection of the Tribute stipulated to be paid by the said Treaty; and the said Warren Hastings admits that he has expressed Doubts of the original Justice of that Tribute; but the said Warren Hastings does not know, nor can state whether the severe Exercise of the Authority of such Sezawel might or might not have been a Cause of Ruin to the Country; but he admits it to have occasioned many Complaints from the said Muzuffer Jung; and he also admits that the Amount of that Tribute has for some Time continued a Part of the Funds assigned by the said Vizier, as a Provision for the several public Demands of the East India Company, on him the said Vizier; and that he the said Warren Hastings did, on the Twentyscond of May, One thousand Seven hundred and Eighty, in order to relieve the said Muzuffer

Muzuffer Jung from the Indignity and Hardships of which he complained, propose, and the Board of Council of Bengal did, upon the Motion of him the said Warren Hastings, resolve, " That One of the Company's Civil Servants " should be forthwith appointed Collector of " the Vizier's Assignments to the Company, " on the Revenues of the Nabob of Furrucka- " bad, with the same Allowances and the same " Powers as had been given to the Native " Sezawel; and that he should be ordered to " proceed with all possible Expedition to Luc- " know, where he would be invested by the Re- " sident with the Charge of that Office, and " receive from him the necessary Instructions " for his Conduct in the Discharge of the same."

And the said Warren Hastings admits that he did propose, and that the Board did adopt, the said Measure, upon such Reasons, and for such Purposes, amongst others, as are in the said Third Article stated; and that Mr. Shee was, in consequence thereof, appointed to the Office aforesaid: But the said Warren Hastings denies that the said Muzuffer Jung was, by the aforesaid, or any Acts, or by any Powers or Authorities given or authorized by him the said Warren Hastings, completely taken under the Protection of the East India Company, or that the said Company, and their Servants and Representatives, or that he the said Warren Hastings, as Governor General, ever became responsible for the Government of the Territories of the said Muzuffer Jung, or were subject to such Obligations as are in the said Third Article stated,

K

AND

AND the said Warren Hastings says, That he did, soon after the Execution of the Treaty of Chunar, declare, " that if Muzuffer Jung " must endure Oppression, and he the said " Warren Hastings dared not, at that Time, " propose his total Relief, it concerned the " Reputation of the East India Company's " Government to remove their Participation " in it." And that he did, at the same Time, alledge, " that Mr. Shee's Authority over the " Territory of Furrukkabad was in itself as " much subversive of that of its lawful Ruler " as that of the Vizier's Aumil, or Sezawel, " ever was; and was the more oppressive as " the Power from which it was derived was " greater." And which several Propositions, made in the Terms last stated, the said Warren Hastings maintains to be true. And the said Warren Hastings says, that he did assert, as the Fact was, and not falsely pretend, that Muzuffer Jung was equally anxious with the Vizier for the Recal of the said Shee; and that he did assert, as the Fact was, and not falsely pretend, that it was the Desire of him the said Warren Hastings, that a proper Guardian should be selected for the said Muzuffer Jung from amongst the ancient Dependants of his Family, if any such could have been found. And the said Warren Hastings denies, that the Treaty of Chunar, hereinafter mentioned, was entered into by him upon any false Pretences whatsoever, or in the Exercise of any illegal Authority, or under the Influence of any such supposed Bribe as in the said Third Article is stated.

AND

AND the said Warren Hastings, as to the said supposed Bribe in the said Third Article mentioned, craves Leave to refer to his Answer in this Behalf hereinafter made. And the said Warren Hastings admits that he did enter into a Treaty at Chunar with the said Nabob of Oude, in which Treaty was contained a Stipulation that no British Resident should be appointed at Furruckabad, and that the then Resident there should be recalled; but he humbly insists that such Stipulation was, in the then Situation of the contracting Parties, and of Muzuffer Jung himself, proper and expedient to be made. And the said Warren Hastings denies that he did by that Treaty abandon the Country of Furruckabad, or deliver over the Prince thereof to the Rapacity of the Vizier and his Servants. And the said Warren Hastings, denying that he ever pretended that the said Shee had been personally guilty of any Oppression, or that he ever accused the said Shee thereof, admits that he has never attempted to bring the said Shee to Trial for any Offence of that Nature; and that the said Shee soon after his Recal having applied to the Governor General and Council, taking Notice of an Order made by the Board for allowing the Company's Servants removed from their Offices in consequence of some late Arrangements, to draw the same Allowances as they had before drawn, until they should be appointed to other Offices, or until the Board should be pleased to withdraw that Indulgence; and having at the same Time represented to the Board that he had not, since the general Arrangements in the Vizier's Country had rendered his Removal from Office necessary, received any

such Allowances from the Company, the said Shee prayed that the same Salary which Revenue Collectors usually received might be granted him; and that it was thereupon agreed by the Board that Mr. Shee should be allowed the same Salary as had been granted to the Revenue Collectors, and that he should draw it from the Time of his Removal from his late Office. And the said Warren Hastings denies that any Pension was otherwise, or in any other Manner, conferred upon the said Shee, than is herein before stated. And the said Warren Hastings says, that at a Board of Council held on the Ninth of December, One thousand Seven hundred and Eighty-three, the said Shee was upon the Recommendation of Mr. Wheler, a Member of the said Board, appointed Judge of the Dewany Adawlut at Dacca, in the Room of Mr. Duncanson, deceased. But the said Warren Hastings denies that the said Office was conferred by him alone, or upon his own Motion, or in any other Manner than is above stated.

AND the said Warren Hastings avers, that the alledged Grounds of the said Treaty were founded in Truth, and that there is no sufficient Reason to disbelieve the same, or to conclude, as by the said Article is alledged, that the supposed Bribe above mentioned was the real Ground of the said Treaty. And the said Warren Hastings solemnly denies the same so to have been. And the said Warren Hastings denies that it was meant by the said Treaty that the said Vizier should have an uncontrolled Authority over Furrukkabad, or that any other Provision or Stipulation was therein contained relative to Furruk-

Furrukkabad than that herein before mentioned. But he admits that the said Vizier did shortly afterwards appoint a Person named Almass Ali Cawn to manage the Affairs of Furrukkabad; and that the said Warren Hastings did thereupon represent to the said Vizier the Impropriety of such his Appointment, and request of him to direct his Ministers to refrain from all kind of Interference in the internal Management of Furrukkabad. He denies, however, that he did compel the said Vizier to recal that Appointment, or that he did in that Respect, or in any other Manner whatsoever, violate the Treaty of Chunar.

AND the said Warren Hastings admits, that he did, about the Month of November, One thousand Seven hundred and Eighty-one, suggest to the said Muzuffer Jung, that as he would be then left in the uncontrolled Management of his own Affairs, it would be incumbent on him to give the strictest Attention to them both for his own Honour and Interest, and the Welfare of his People; to effect which Purposes the said Warren Hastings did recommend to the said Muzuffer Jung to employ able Men of approved good Character; and did further suggest, that Subghut Oolly Cawn, his Vakeel, had been with the said Warren Hastings for Years, and appeared to have conducted himself with Fidelity and Attachment, and, as the said Warren Hastings understood, was much employed and trusted by the Father of the said Muzuffer Jung; that his Services intitled him to Reward and Consideration from him the said Muzuffer Jung; and that his Zeal and Abilities, if placed
in

in a proper Situation, might produce important Advantages to himself and his Country.

AND the said Warren Hastings denies, that the Suggestion thus made in favour of Subghut Oolla, involved any Contradiction to the Reasons before given by him for the Appointment of Mr. Shee, the said Subghut Oolla not being one of the said Muzuffer Jung's Servants, to whom the said Warren Hastings had before imputed either Knavery or Corruption.

AND the said Warren Hastings denies that he did, about the Time last mentioned, or at any other Time whatsoever, render himself, nor did he ever become, responsible to the said Vizier for the Payment of the Tribute payable to the said Vizier by Muzuffer Jung; but he admits, that the said Tribute was not paid by the said Subghut Oolla to the said Vizier: He denies, however, that he, the said Warren Hastings, was, in respect thereof, guilty of any Breach of Faith to the said Vizier.

AND the said Warren Hastings says, that in consequence of the Non-payment of the said Tribute, and other Misconduct of the said Subghut Oolla, and of a Declaration which the said Warren Hastings understood the said Subghut Oolla to have made, and which he believed to be false and scandalous, the said Warren Hastings did, on the Twenty-seventh of April, One thousand Seven hundred and Eighty-two, write the following Letter to the said Muzuffer Jung: " I lately learnt that Subghut Oolla Khan has told you, that he was obliged to give large Sums " in

“ in Bribes to the English Gentlemen, for pro-
 “ curing the Release of your Country, and that
 “ he demands Assignments of a Sum as far as
 “ Six Lacks of Rupees. This is entirely false—
 “ Out of Regard to the Justice and Wisdom
 “ of the Vizier, I with Labour and Difficulty
 “ procured the Relinquishment of it from his
 “ Highness, and the Removal of his Aumil,
 “ on this Condition, that you should pay duly
 “ the Rent payable to the Nabob's Government,
 “ according to the Kists; and I delivered the
 “ Country into your Hands.—From this Trans-
 “ action I had expected Reputation to myself;
 “ but, on the contrary, I am now disgraced.
 “ Such Conduct in Subghut Oolla Khan deserves
 “ severe Punishment, and makes him unfit to
 “ be any longer trusted; and you will therefore
 “ make him restore what Money he may have
 “ taken, and never suffer him to be again em-
 “ ployed in the Affairs of your Government.—
 “ I write this from my Friendship.”

AND the said Warren Hastings says, that
 having afterwards received from the said Mu-
 zuffer Jung a Letter in favour of the said Sub-
 ghut Oolla; declaring, that the said Subghut
 Oolla had not made any such Declaration as had
 been reported, and that it was certain the said
 Subghut Oolla had not given One Rupee to any
 Gentleman; the said Warren Hastings did not
 further interfere to procure the said Subghut
 Oolla's Dismission, or the Substitution of any
 other Person in his Place.

AND the said Warren Hastings says, that
 the Board at Calcutta did, by a Letter dated the
 Eleventh

Eleventh of July, One thousand Seven hundred and Eighty-two, addressed to Mr. Middleton then Resident at Oude, observe, that the said Resident had not received any Part of the Sum expected from Furrukkabad, and were surprized that he had not intimated in his Letter to the Board, or to the Governor General, the Circumstances which had prevented him from receiving any Part of the Sum expected from the Nabob Muzuffer Jung; and that should it proceed from an Advantage taken by him of their Mediation with the Nabob Vizier, the Board directed that he should immediately afford him effectual Assistance for the Recovery of what might be due to him from Muzuffer Jung, and expressly to withdraw all other Interference with that Nabob.

AND the said Warren Hastings says, that the said Middleton, in Answer to the said Letter, did represent that the Board had anticipated his Reply, by adverting to what they conjectured might have been the Cause of the total Failure in the Collection of Furrukkabad, which was, as they justly supposed, an improper Advantage taken by Muzuffer Jung, of the Mediation employed with the Nabob Vizier in his Behalf: That he the said Middleton had therefore immediately, upon Receipt of the Orders of the Board, withdrawn all Mediation and Interference which stood between the Nabob Vizier, and the Collection of the Tribute from Furrukkabad, and had afforded him the Assistance directed, by sending a Regiment to support the Sezawel appointed by his Excellency for the Collection of the Tribute of the ensuing Year.

A N D the said Warren Hastings says, that the Company's Mediation, and Interference in favour of the said Muzuffer Jung were withdrawn, and the Assistance stated in the said Third Article given to the said Vizier, for the Recovery of his Claims upon Furrukkabad, for the Reasons stated in the said Orders; and in virtue of those Orders only; but the said Warren Hastings denies, that his Conduct in respect to the Measure stated in the said Third Article, was in Contradiction to any Principle of Justice or Equity towards the said Muzuffer Jung.

A N D the said Warren Hastings says, he has been informed that the said Native Sezawel did renew Severities formerly exercised in respect to the said Muzuffer Jung.

A N D the said Warren Hastings admits, that he did some Time in October, One thousand Seven hundred and Eighty-two, receive a Letter of Complaint from the said Muzuffer Jung, requesting a Renewal of the Mediation of the Bengal Government, for the Purpose of procuring a Recal of the Vizier's Sezawel; which Letter was immediately, according to the usual Practice of the Settlement, entered in the Book of Persian Correspondence for the Inspection of the Board; and that afterwards similar Complaints were at different Times received by the Board at Calcutta, through Mr. Bristow; and that a Letter to the same Effect was received from the said Muzuffer Jung, in the Month of February, One thousand Seven hundred and Eighty-three.

L

A N D

A N D the said Warren Hastings denies, that he was guilty of any Delay, or Breach of Duty in respect to the said Complaints ; but says, that the Board did not deem it expedient to interfere with the Vizier for the Recal of the Seza-wel at Furrukkabad, until the Month of October, One thousand Seven hundred and Eighty-three ; and he denies that the Conduct of him the said Warren Hastings, in the Matters aforesaid, was in any Degree incompatible with the Honour, or Dignity of the British Government.

A N D the said Warren Hastings says, that in the Month of October, One thousand Seven hundred and Eighty-three, he did, from a Sense of Submission to the implied Orders of the Court of Directors, as well as from an Opinion of the Propriety of the Measure, propose to the Council at Bengal, and the said Council did accordingly resolve, to appoint a Resident at Furrukkabad, if the Consent of the Nabob Vizier could be previously obtained, and that Mr. Willes should be such Resident ; which Consent being obtained, the said Mr. Willes did afterwards proceed to the said City, in the Execution of his Duty.

A N D the said Warren Hastings denies, that the said Mr. Willes was impeded in the Execution of his Duty by any Neglect or Orders of him the said Warren Hastings.

A N D the said Warren Hastings denies, that either by entering into the Treaty of Chunar, or that by any Consent, or Authority to be implied

plied therefrom; or that in all, or any of the supposed Instances of Misconduct stated in the said Third Article in respect to the said Vizier, and Muzuffer Jung respectively; or that by the said several supposed Acts or Deeds done or omitted, or supposed to be done or omitted by him the said Warren Hastings, he the said Warren Hastings has been guilty either of Neglect of Duty, Usurpation of Authority, Breach of Treaty, or Duplicity towards either the said Vizier, or the said Muzuffer Jung; or that he has, in any of these Respects, brought any Disgrace upon the British Name, or any Discredit upon the British Government in India; or that he ever reduced himself to the Alternative of being guilty of a Breach of Faith, either to the Vizier or Muzuffer Jung, as is suggested in the said Third Article; or that by all or any of the several Acts stated in the said Third Article, so far as the same or any of them were by him done or committed, he was, or is guilty of any Crime, or Misdemeanour whatsoever.

FOURTH ARTICLE.

IN Answer to the Fourth Article, the said Warren Hastings admits it to have been his Duty while Governor General of Bengal, strictly to attend to the Expenditure of Public Money; and more particularly in a Time of War and Public Distress, to be careful that those Revenues upon which the Welfare and

Safety of the Empire did necessarily depend, should not be diminished or ruined by Dissipation or Prodigality, and should not be diverted from the Public Service, or squandered for the Purpose of increasing his own Personal Influence, or providing for his Dependants.

AND also, that it was his Duty in every Instance in his Power to pay due Obedience to the Orders of the Court of Directors: But the said Warren Hastings humbly contends, such last mentioned Duty did not require Compliance with the said Orders, in Cases where such Compliance would have been materially injurious to the Interests of the East India Company, or the British Nation, or where some important Advantage to such Interests might be attained by a Deviation therefrom. And the said Warren Hastings says, that the Court of Directors of the East India Company, by the Thirty-sixth Paragraph of the General Instructions given to the Governor General and Council in March, One thousand Seven hundred and Seventy-four, reciting, that as all the Company's Business which could conveniently be performed by Contract was so performed in Bengal, did direct as in the said Fourth Article is stated.

AND the said Warren Hastings admits, that such express Order of the said Court was made in the Year One thousand Seven hundred and Seventy, as in the said Fourth Article is stated; and that divers other Orders and Commands to the same Purpose and Effect may have been issued by the said Court of Directors at different Times to their Servants in India.

AND

AND the said Warren Hastings admits, that the Opium produced in Bengal and Bahar is a very considerable and lucrative Article in the Export Trade of the said Provinces, and that it has been for a considerable Length of Time managed under a Monopoly. And the said Warren Hastings admits, that of late Years, (that is to say) ever since the Year One thousand Seven hundred and Seventy-three, when, in consequence of a Proposal from the said Warren Hastings, the said Monopoly was taken from private Persons, by whom it had been before exclusively held without any Participation of the East India Company, into the Possession of the said Company, great Advantage has resulted from the same to the said Company.

AND the said Warren Hastings admits, that of late Years the Opium has been provided by Contract; but he says, that it would not have been expedient or conducive to the Interest of the East India Company, previous to the Contracts for this Commodity being made, or in the making thereof, to have observed and followed all the Rules and Regulations prescribed by the Directors of the East India Company in regard to Contracts in general.

AND the said Warren Hastings says, that doubts having arisen in Council at Bengal, whether the Management of the Opium Concern ought, as an Article of Revenue, to be lodged with the Governor and Council, or as an Article of Commerce, to be vested in the Board of Trade; and the same having been communicated to the Court of Directors, they were pleased

to direct as follows: " As the Revenue Council at Patna are of Opinion that the Opium Business may be more conveniently conducted by their Board than by our Commercial Servants, on that Consideration only we direct that the Provision thereof be continued under your Management; but that you consign the same, when provided, to our Board of Trade at prime Cost, who are to dispose thereof at Public Auction, and to apply the Produce towards the Provision of our Investment."

AND the said Warren Hastings admits it to have been his Duty, not only to be careful in the Expenditure of the Public Money in the making of Contracts, and in providing for the Public Service, but also to be particularly careful not to lavish the Money of his Employers in excessive Salaries and Emoluments to favoured Individuals.

AND the said Warren Hastings admits, that the Court of Directors did order and direct that the Sum of Six thousand Pounds per Annum should be paid to the Commander in Chief in full for his Services as Commander in Chief, in lieu of Travelling Charges, and of all other Emoluments whatsoever. And the said Warren Hastings admits, that it was his Duty not to create by his Prodigality any public Distress, and denies, that he was guilty of any Prodigality, or of any violent or oppressive Acts whatsoever. And the said Warren Hastings admits, that it was his Duty not to rob any Person whomsoever.

AND

AND the said Warren Hastings denies, that he did enter into any Contract of the Nature, or with the Views, or in the Manner, or which was productive of the Consequences, in the said Fourth Article mentioned.

AND the said Warren Hastings denies, that he did authorize or approve of any enormous Salaries or extravagant Allowances, or did lavish away any Part of the Resources of the Company, or of the Princes in Alliance with them, as in the said Fourth Article is stated.

AND the said Warren Hastings says, that it having been determined in Council that Opium should be provided by Contract, the Governor General and Council, the said Warren Hastings being Governor General, did in the Year One thousand Seven hundred and Seventy-seven, when the former Contract was near its Expiration, unanimously agree to accept Proposals from John Mackenzie, for a Contract with him for Opium, to be provided on Terms nearly the same with, but more favourable than, the former Contract.

AND the said Warren Hastings admits, that the said Contract was granted for a Term of Three Years without any previous Advertisement, it having been by the said Governor General and Council deemed for the Advantage of the East India Company to make a Contract for the said Commodity in that Manner, and for that Term.

AND

AND the said Warren Hastings admits, that the Court of Directors of the East India Company conceiving, contrary to the Fact, that the said Contract had been made, not only without any Advertisement, but likewise without any previous Enquiries necessary to guide the Judgment of the said Governor General and Council therein, and to warrant the said Measure, did express their Disapprobation of the Manner in which they supposed the said Contract to have been made; but the said Warren Hastings denies, that the said Court of Directors did condemn either the Continuance of the Monopoly, or the Management thereof by Contract, or the Term of Years for which the said Contract with the said John Mackenzie had been made.

AND the said Warren Hastings says, that the Governor General and the Council, he the said Warren Hastings being Governor General, did judge it expedient, and did accordingly resolve to transfer the Sale of Opium from the Board of Trade to another Department, which Measure, though contrary to the Letter of the Orders of the Court of Directors, it was conceived by the said Governor General and Council, would more effectually carry into Execution the Intentions of the said Court, in giving the said Orders; and which Measure, with the Reasons for the same, was immediately communicated by the said Governor General and Council to the said Court of Directors, by a Letter bearing Date the Twenty-fifth November, One thousand Seven hundred and Eighty, and the same has been since continued.

AND

AND the said Warren Hastings further says, that, in the Year One thousand Seven hundred and Eighty-one, at the usual and proper Period of making the Contract for Opium, the then Situation of Public Affairs having rendered it more expedient to extend the Period, for which such Contract should be made, beyond the Term of One Year, the Governor General and Council, the said Warren Hastings being Governor General, did, in Consideration thereof, resolve, " That the Contract for the Provision of the Opium produced in Bengal and Bahar should be granted to Mr. Stephen Sullivan for the Term of Four Years, on the same Conditions as it was then held by Mr. Mackenzie, the then Contractor : " But the said Warren Hastings denies, that the said Contract was made with the said Stephen Sullivan on more advantageous Terms for the Contractor than the same would have been made with any other Person. And the said Warren Hastings admits, that the said Contract was made without advertising for Proposals, or receiving from the said Stephen Sullivan any written Proposals for the same; and that the said Contract did not contain any Clause, providing that the same should be liable to be determined by the Orders of the Court of Directors. But the said Warren Hastings denies, that any Clause was inserted in the preceding Contract, respecting the Determination of the same by the Court of Directors, in any other Event than that of their relinquishing the exclusive Property in the Trade of Opium, and making it free, in which Case the said Contract was to remain in force only for the current Year, of which Event there

M

had

had ceased to be any Probability prior to the Year One thousand Seven hundred and Eighty-one.

AND the said Warren Hastings denies, that he did take away Restrictions usually and providently imposed upon the Contractor in Contracts of that Nature; but he admits, that he, as Governor General, and the Council, did resolve, that there being no longer Occasion for Inspectors to superintend the Manufacture of the Opium delivered by the Contractor, since the Reasons which induced the Board to appoint those Officers no longer existed, their Appointments should be abolished; and, in lieu thereof, it was in the said Contract of the said Stephen Sullivan stipulated, that, on the Arrival of the Opium at Calcutta, it should be subject to the Inspection and Controul of such Persons as the Governor General and Council might appoint for that Purpose. And the said Warren Hastings insists, that the Regulation substituted by the Governor General and Council, in lieu of such Inspection, did as effectually guard against the Commission of any Fraud by the Contractor, and was in other Respects more advantageous to the East India Company.

AND the said Warren Hastings denies, that the said Contract was granted upon Terms extravagant or profuse, or for the Purpose of creating an instant Fortune to the said Sullivan; but, on the contrary, the said Warren Hastings avers, that the Terms of the said Contract were as advantageous to the East India Company as the Terms of the preceding Contracts made

made by or on the Part of the said Company, for the Provision of the said Commodity, and such as the said Warren Hastings and the Council at that Time did believe to be fair and reasonable.

A N D the said Warren Hastings believes the said Sullivan to have been a Person properly qualified to execute the said Contract: And he says, that a proper and sufficient Security was taken from him for the due Performance thereof.

A N D the said Warren Hastings denies, that the said Sullivan did not ever execute, or attempt to execute, the said Contract; but whether the said Sullivan did, on or before the Execution of the Articles between him and the Governor General and Council, transfer his Interest in the said Contract to John Benn Esquire, or whether the said Benn did afterwards transfer the same to any other Person, the said Warren Hastings declares himself ignorant, except as he has heard the same by Report since his Arrival in England, or has been informed by the said Articles, and the Proceedings before the Honourable the House of Commons, touching him the said Warren Hastings.

A N D the said Warren Hastings says, that the Governor General and Council, he being Governor General, did, in the Year One thousand Seven hundred and Eighty-one, declare, as the Truth was, that the Employment of the Shipping belonging to Bengal, in supplying the Coast with Grain, and the Difficulties and

Obstructions apprehended in the Navigation of the China Seas from the Cruizers and Privateers which had been, and were expected to be fitted out from the Isle of France, Batavia, and other Places, to interrupt the Trade of the Eastward, had so much reduced the Demand for Opium, that they had found no Bidders at the Company's Sales at the Close of the last and the Commencement of the then Year, nor any Persons willing to become Purchasers of that Article at the moderate Price of Four hundred Rupees per Chest, at which it was afterwards exposed for private Sale; from which Causes almost the whole Produce remained on their Hands: But he denies that he ever monopolized Opium at an extravagant Rate, or that no Attempts were made by Persons employed by the Governor General and Council to sell the same at a low Price.

AND the said Warren Hastings says, he does not know or believe that there were any Persons in Calcutta who had Authority to bid for the Whole or the greatest Part of the said Opium, upon any Terms which it would have been for the Interest of the East India Company to have accepted. And the said Warren Hastings denies that he did, in order to favour any Individuals, borrow Money at a large Interest, for the Purpose of advancing the same to the Contractor last mentioned; but he says, that no other Advances were made to the said Contractor, than such as were agreeable to the Terms of his Contract; and that the Sum of Money, mentioned in the said Fourth Article to have been borrowed, was borrowed in the
Absence

Absence of the said Warren Hastings, in order to raise a Supply of Money to enable the Board to answer the heavy Calls which had been made on them from the other Presidencies, and to make up for the Failure of the Resource expected from the Sale of the Opium.

AND the said Warren Hastings says, that the Opium was, by Order of the Governor General and Council, he the said Warren Hastings being Governor General, exported to the Eastern Islands, and to China, on the said Company's Account; which Measure, the said Warren Hastings avers, was, in the then State of the Company's Affairs, proper and expedient.

AND the said Warren Hastings says, That he has heard, and believes, that the Importation of Opium is forbidden in China.

AND he admits, that the said Plan was attended with some Risk and Hazard, and that, in the Course of the Execution of the said Plan, the Success of it was in some Measure diminished in consequence of a Capture by the Dutch of one of the Ships employed in conveying Part of the Opium; which Capture was the only Loss the said Warren Hastings knows, or has heard, that the East India Company ever suffered by the said Plan, which he denies to have produced any Disgrace to the British Character in India.

AND the said Warren Hastings, denying that he ever acted in the Prosecution of a System.

tem of Disobedience to Orders, or of Prodigality, or Profusion, or that he was ever guilty of any Prodigality, or Profusion, says, that some Time in the Year One thousand Seven hundred and Seventy-seven, the Governor General and Council, the said Warren Hastings being then Governor General, did accept of Proposals for providing Draft and Carriage Bullocks to the Army for Three Years, without advertising for the same; and that afterwards, soon after the Commencement of the War in India, the said Warren Hastings, without, as he admits, any Complaint made on the Part of the Contractor, but not without any Complaint on the Part of the Army, but, on the contrary, after repeated and urgent Representations from the principal Officers commanding the same, that the subsisting Contract (One-half of the Time limited for the Duration whereof he admits to have been then unexpired) was inadequate to the regular Supply of that Service, did approve of certain Alterations in the said Contract, which, in his own Judgment, and that of the said principal Military Officers, were essential and necessary; and the same having been reserved for the Opinion of, and having afterwards undergone the Correction of Sir Eyre Coote, the then Commander in Chief of all the Company's Forces in India, and having been by him proposed in Council, the said Warren Hastings, as Governor General, did vote for, and a Majority of the Board in Council did pass, a Resolution in the following Words, viz. " That
 " the Plan recommended by the Commander
 " in Chief for a new Contract for the Draft and
 " Carriage Cattle be approved, and that an
 " Offer

“ Offer be made to the present Contractor to
 “ contract with him on the Terms prescribed
 “ therein, instead of the Contract now in force.”

AND the said Warren Hastings says, that it was by the said Board deemed expedient, that the said Contract should be made for the Term of Five Years; but he says, that the Conditions thereof, though in some Respects more advantageous to the Contractor, were also more advantageous to the East India Company than the then subsisting Contract. And the said Warren Hastings denies, that the Governor General and Council did by the said Contract agree for a Number of Bullocks, exceeding the Number which the Commander in Chief had declared to be sufficient for the whole Army, or for a greater Number than the Public Service then required; and though the Rate at which the said Bullocks were by such new Plan contracted for was higher than that of the then existing Contract, and though from the encreased Establishment of Bullocks, and the Provision necessarily made for its Support, a considerable annual Increase of Expence was unavoidably occasioned, yet he denies that such Increase was either wanton, enormous, or unnecessary.

A N D the said Warren Hastings admits, that the said Resolution, and the Proposal contained in it, were carried into Effect, and that a Contract, in consequence of it, was made by the Governor General and Council with Charles Croftes Esquire; but the said Warren Hastings denies that, in agreeing to the Terms of the said Contract, he was in any Manner influenced by
 Consi-

Considerations of Friendship for the said Charles Croftes. And the said Warren Hastings denies that the said Contract was productive of any Loss or Damage to the East India Company, or that it was in Violation of the Orders and Directions of the Court of Directors.

AND the said Warren Hastings says, that the said Contract did contain a Clause, by which it was agreed, that it should be lawful for the East India Company to extend the said Contract for the Term of One Year beyond the said Term of Five Years, in case they should be minded so to do, on One Year's Notice in Writing being for that Purpose given by the Governor General and Council on their Behalf to the Contractor; and that it was by the said Clause also agreed, that the said Company should, on or before the Expiration of Four Years from the Day of the Date of the said Contract, give Notice in Writing whether they should intend to lengthen the said Contract or not: But in case no such Notice should be given, it was agreed, that the said Contract should continue for the Space of One Year beyond the said Term of Five Years, that is to say, unto the First of September, One thousand Seven hundred and Eighty-five.

AND the said Warren Hastings says, that the Court of Directors, in their Letter of Eleventh of April, One thousand Seven hundred and Eighty-one, did express a Disapprobation of some Parts of the said Contract, and their Approbation of other Parts thereof; and that the said Court of Directors did signify their Pleasure

fure respecting the Mode to be pursued in case
 of any future Contract, in the following Terms :
 “ We therefore direct, that in future no great-
 “ er Number of Draft or Carriage Bullocks be
 “ entertained, to be paid for by the Company,
 “ than shall be necessary for the Service; that
 “ the Terms of the Contract be always ad-
 “ vertised One Year at least before the Expira-
 “ tion of the subsisting Contract; that the lowest
 “ Terms, with good Security for the Perform-
 “ ance, be accepted; and that no Contract for
 “ Bullocks be on any Account concluded for
 “ a longer Term than Three Years.” But the
 said Warren Hastings denies that the said Court
 of Directors did give any particular Directions
 for the Conduct of the said Governor General
 and Council in respect to the Determination of
 that Contract, or that they gave any Order that
 the Provision of Draft and Carriage Bullocks
 for the Army should in future be managed by
 Contract, in preference to any other Mode.

AND the said Warren Hastings says, that
 the Attention of the Board not being immedi-
 ately called to the Terms of the said Contract,
 the Period of Time at which previous Notice
 for the Determination of the same should have
 been given, was accidentally suffered to elapse;
 in consequence whereof, the said Contract would,
 by virtue of the Clause herein before mention-
 ed, have continued for the Term of Six Years,
 that is to say, till the First of September, One
 thousand Seven hundred and Eighty-five, which
 the said Warren Hastings admits would have
 been for a longer Time than the then Situa-
 tion of the East India Company's Affairs in

India required : But the said Warren Hastings says, that to prevent such Continuance, the said Warren Hastings did, on the Second February, One thousand Seven hundred and Eighty-four, when, by the Restoration of Peace, a Reduction of the Military Establishment in Bengal had become practicable and safe, propose in Council, and a Majority of the Council did accordingly resolve, to purchase an immediate Relinquishment of the Contract, and the same was accordingly purchased, after it had been held only Three Years and an Half, upon such Terms as to the Board appeared reasonable; and which the said Warren Hastings denies to have been extravagant or unreasonable, or that the East India Company did, by such Purchase, sustain great Loss and Damage.

AND the said Warren Hastings says, that after such Purchase, the Governor General and Council, the said Warren Hastings being Governor General, did resolve, that the Provision of Bullocks for the Army should be conducted by Agency, believing that the same might be managed in such Mode with more Advantage to the East India Company than by Contract; and did also resolve, that Sir Charles William Blunt should be employed in such Agency: But the said Warren Hastings denies that he did, by concurring in such Resolution, act contrary to his Duty, or to the Orders of his Masters, though he admits that such Mode of conducting the Business was afterwards disapproved by the Court of Directors, as liable to the Objections in the said Fourth Article stated.

AND

AND the said Warren Hastings denies, that by all or any of the several Acts supposed to have been done or omitted by him the said Warren Hastings, he was guilty of any Part of the supposed Offences or Misconduct in the said Fourth Article charged against him.

AND the said Warren Hastings further says, that the late General Sir Eyre Coote having in the Month of March, One thousand Seven hundred and Seventy nine, arrived in Bengal, from Europe, to take upon himself the Command of all the British Forces in India, then employed in a perilous and extensive War, did in a few Days after his Arrival deliver in to the Council of Fort William in Bengal several Propositions, by which he insisted that certain Allowances then paid to General Stibbert, Provincial Commander in Chief on the Bengal Establishment, did devolve upon him the said Sir Eyre Coote, as Commander in Chief. And the said Warren Hastings says, that the said Allowances so claimed had been granted to the said General Stibbert, partly under a Resolution of the Governor General and Council, he the said Warren Hastings being then Governor General, and having, as he admits, concurred therein, and partly by the express Orders of the Court of Directors. And the said Warren Hastings further says, That the said Propositions were referred by the Council to the Board of Inspection, and a Minute was thereupon delivered in by the said Sir Eyre Coote, setting forth the Grounds upon which he had been on his first Arrival induced to rest his aforesaid Claim, and that he had since more fully examined into the

N 2

same;

India required : But the said Warren Hastings says, that to prevent such Continuance, the said Warren Hastings did, on the Second February, One thousand Seven hundred and Eighty-four, when, by the Restoration of Peace, a Reduction of the Military Establishment in Bengal had become practicable and safe, propose in Council, and a Majority of the Council did accordingly resolve, to purchase an immediate Relinquishment of the Contract, and the same was accordingly purchased, after it had been held only Three Years and an Half, upon such Terms as to the Board appeared reasonable; and which the said Warren Hastings denies to have been extravagant or unreasonable, or that the East India Company did, by such Purchase, sustain great Loss and Damage.

AND the said Warren Hastings says, that after such Purchase, the Governor General and Council, the said Warren Hastings being Governor General, did resolve, that the Provision of Bullocks for the Army should be conducted by Agency, believing that the same might be managed in such Mode with more Advantage to the East India Company than by Contract; and did also resolve, that Sir Charles William Blunt should be employed in such Agency: But the said Warren Hastings denies that he did, by concurring in such Resolution, act contrary to his Duty, or to the Orders of his Masters, though he admits that such Mode of conducting the Business was afterwards disapproved by the Court of Directors, as liable to the Objections in the said Fourth Article stated.

AND

AND the said Warren Hastings denies, that by all or any of the several Acts supposed to have been done or omitted by him the said Warren Hastings, he was guilty of any Part of the supposed Offences or Misconduct in the said Fourth Article charged against him.

AND the said Warren Hastings further says, that the late General Sir Eyre Coote having in the Month of March, One thousand Seven hundred and Seventy nine, arrived in Bengal, from Europe, to take upon himself the Command of all the British Forces in India, then employed in a perilous and extensive War, did in a few Days after his Arrival deliver in to the Council of Fort William in Bengal several Propositions, by which he insisted that certain Allowances then paid to General Stibbert, Provincial Commander in Chief on the Bengal Establishment, did devolve upon him the said Sir Eyre Coote, as Commander in Chief. And the said Warren Hastings says, that the said Allowances so claimed had been granted to the said General Stibbert, partly under a Resolution of the Governor General and Council, he the said Warren Hastings being then Governor General, and having, as he admits, concurred therein, and partly by the express Orders of the Court of Directors. And the said Warren Hastings further says, That the said Propositions were referred by the Council to the Board of Inspection, and a Minute was thereupon delivered in by the said Sir Eyre Coote, setting forth the Grounds upon which he had been on his first Arrival induced to rest his aforesaid Claim, and that he had since more fully examined into the

same; and further alledging, “ from his long
 “ Experience of the Service, the Insufficiency
 “ of his Salary, and that he was certain the
 “ Court of Directors never meant he should
 “ suffer in his private Fortune by carrying on
 “ the public Service, and requesting that such
 “ Measures might be adopted as might pre-
 “ vent any unnecessary Expence from falling
 “ upon the Company, and which would at the
 “ same Time enable him to execute the Duties
 “ incumbent on him as their Commander in
 “ Chief, to visit the several Stations of the
 “ Troops, or to take the Field, if necessary,
 “ without involving himself in Expences which
 “ he should be unable to support.” And the
 said Board of Inspection having taken the same
 into Consideration, it was by the said Board de-
 termined, he the said Warren Hastings being a
 Member of such Board of Inspection, and con-
 curring in that Determination, that the Allow-
 ances made to General Stibbert did not devolve
 on the said Sir Eyre Coote, nor ought to be
 taken away from the said General Stibbert with-
 out the further Orders of the Court of Di-
 rectors: But in consideration of the Matters in
 the Minute of the said General Sir Eyre Coote
 set forth, and for other Reasons, which in the
 Judgment of the said Board appeared to war-
 rant such Measure, did resolve that the said Sir
 Eyre Coote should, as Commander in Chief of
 the Forces in India, receive when in the Field
 a specified Allowance for himself and his Staff,
 for the Purpose of defraying the extraordinary
 Expences which his Establishment in the Field
 would occasion. And the said Warren Hastings
 denies, that by concurring in the said Resolutions
 of

of the said Board, he acted in the Prosecution of a corrupt or prodigal System of Government, or in Contradiction to his Duty and the Orders of his Superiors, or with any View to increase his own Influence.

AND the said Warren Hastings says, that in the Year One thousand Seven hundred and Seventy-nine, the said General Sir Eyre Coote having deemed it necessary to visit the different Stations of the Army, in order to form such Military Arrangements as the Service required, and it being expected that his Presence would be mostly confined to the Grand Posts of the Army, stationed and employed in the Defence of the Dominions of the Nabob Vizier; and the said Nabob Vizier being bound to discharge the actual Expences of all the Troops employed for the Protection of the Countries lying beyond the River Carumnassa, it was for these and other Reasons resolved in Council, on the Proposal of the said Warren Hastings, that the Field Allowances and travelling Charges of the said Sir Eyre Coote as Commander in Chief, when in the Field, should be added to the Debit of the said Vizier's Account as a Part of his general Subsidy; the said Charge to commence from the Day of the said Commander in Chief's passing the said River Carumnassa, and to continue till his Return to the same Line; and that the said Nabob Vizier should be written to on the Subject. And the said Warren Hastings denies that, by proposing or concurring in such Resolution, he acted in the Prosecution of a System of Profusion or Prodigality, or in any Violation of

of the Treaty between the East India Company and the Nabob Vizier.

AND the said Warren Hastings admits, that some Time in the Month of October, One thousand Seven hundred and Eighty, the Court of Directors, reserving for a future Opportunity their full Sentiments and Instructions on the Subject, did express a Disapprobation of the said Allowances, and direct that they should be discontinued on the Receipt of such their Order. And the said Warren Hastings avers, that the said Allowances were immediately on the Receipt of the said Order, in obedience thereto, discontinued. And he denies, that he did of his own private Authority continue to the said Sir Eyre Coote, such Allowances as are in the said Fourth Article stated, or that the same were, by the Command or Authority of the said Warren Hastings, continued to be paid by the Vizier for the Use and Behoof of the said Sir Eyre Coote.

AND the said Warren Hastings further denies, that in all or any of the Acts, Orders, Allowances, or Contracts done, made, granted, or ordered by the said Warren Hastings, he the said Warren Hastings has been guilty of any Misconduct, Offence, Crime, or Misdemeanour whatsoever.

AND the said Warren Hastings admits, that, in the Month of December, One thousand Seven hundred and Eighty, the Governor General and Council, the said Warren Hastings
 12 being

being then Governor General, did appoint James Peter Auriol Esquire to be Agent for providing Supplies for the Relief of the Presidency of Madrafs, at which Settlement there was a great Scarcity of Provisions: But the said Warren Hastings denies that this Measure was in pursuance of any prodigal or corrupt System of Government, or that the same was a Measure either prodigal or corrupt.

AND the said Warren Hastings, denying that he did unite in his own Person all the Powers of Government, admits that the said Auriol did require the usual Commission, and that the said Warren Hastings and the Council did determine that he should be allowed for the said Agency a Commission of Fifteen per Cent. upon his Disbursements, the said Warren Hastings and the Council conceiving the same to have been, under all the Circumstances, a proper Allowance.

AND the said Warren Hastings admits that the said James Peter Auriol was at the same Time, and by the same Authority, appointed Agent of Supplies to the other Presidencies, and to the Island of St. Helena, with the same Commission. And the said Warren Hastings says, that though the Proposal of the said Auriol did not extend to the said other Presidencies, and to the said Island, yet the said Warren Hastings did believe that there existed a Necessity of providing Supplies for the same from Bengal, and that the best Mode of providing them was by the Way of Agency.

AND

AND the said Warren Hastings admits that the said Auriol was, at the Time of such Appointment, and had been for some Time before, one of the Secretaries of the Supreme Council, which Office, at the Time when the said Auriol succeeded to the same, had by the public Authority of the Board, suffered a Reduction in the regular Salary annexed to it; but the said Warren Hastings, though he does not remember to have made any such Declaration as is in the said Fourth Article stated, and positively averring, that neither in the Creation of the said Agency, nor in fixing the Terms thereof, he was in any Manner actuated by any Motives of private Favour to the said James Peter Auriol, humbly insists that the Experience which the East India Company had acquired, of the long and laborious Services of the said James Peter Auriol, in the said Office, and of his Abilities and Integrity, did afford a reasonable Cause of Preference in the Choice of a fit Person to execute an Agency of so important a Nature.

AND the said Warren Hastings says, that on the Twenty-fifth Day of March, in the Year One thousand Seven hundred and Eighty-two, the Governor General and Council, he being then Governor General, did, as a proper Alteration in the Allowance of the said Agency, resolve, that, from the Thirty-first of December, One thousand Seven hundred and Eighty-one, the said Auriol should draw no more Commission on the Freight and Charges of Shipping, or on any other Charges, than the Rate of Five per Cent. being the customary Amount drawn by Merchants;

Merchants ; but he denies that he was thereby guilty of any criminal Misrepresentation whatsoever.

A N D the said Warren Hastings admits that some Complaints were made concerning Rice and other Provisions supplied by the said Auriol, which Complaint having been immediately enquired into, and satisfactorily answered, and the proper Execution of the said Contract, on the Part of the said Auriol, having been fully ascertained, the said Warren Hastings further admits he did, in concurrence with the other Members of the Council, continue the said Auriol in the said Agency ; but the said Warren Hastings denies that he did discourage any just or necessary Enquiry into the Execution of this Service, or any Complaint of the Non-performance thereof.

A N D the said Warren Hastings denies that in any of the supposed Declarations, or that by all or any of the Acts or Deeds by him, touching the Matters aforesaid, made, done, or committed, he did violate his Duty, or break the Trust reposed in him, or that he was or is guilty of any Crime or Misdemeanour whatsoever.

A N D the said Warren Hastings further says, that in the Month of November, One thousand Seven hundred and Seventy-six, he did, while Governor General and as Commander in Chief of Fort William in Bengal, propose in Council a Plan for supplying, by means of an Agent, the Garrison of that Fort with a continual Store of Provisions sufficient for a Siege ; which Plan

was approved by the Council; but he denies that he induced them to approve thereof, otherwise than by stating the Nature of his said Plan, and his Reasons for proposing it; and he admits that the same was a new Plan; but he avers, that an adequate Necessity did exist for the said Appointment.

AND the said Warren Hastings further says, that at a subsequent Meeting of the Board, they did, on the Motion of the said Warren Hastings, appoint John Belli Esquire to the said Agency; but the said Warren Hastings denies, that he did propose the said John Belli from a Spirit of criminal Partiality to his own Favourites, as in the said Article is charged; but on the contrary avers, that his Recommendation of the said John Belli was made in full Confidence, that the said Trust would thereby be faithfully and effectually discharged.

AND the said Warren Hastings further says, that in consequence of a Reference by the Board to Three Merchants, respecting the Rate of Commission to be allowed for providing the Articles in question, the said Merchants did report their Opinion to be, that no Agent could undertake to supply the Stores required, and to keep up the specified Quantity in constant good Order, for less than certain Rates therein specified, amounting in the whole to Twenty Pounds per Cent.; but the said Warren Hastings, being convinced from authentic Documents and Calculations, as well as from other Enquiries, that the said Service could not be effectually performed at the Rate of Commission

so

so reported, did propose, and the Board did resolve, to fix the Rate of Commission at Fifteen per Cent. on providing the said Articles, and Fifteen per Cent. more for Losses arising from replacing decayed and damaged Stores, and renewing the whole Deposit of Victualling Stores every Year, which the said Agent, by his proposed Engagement, was bound to do: And the said Warren Hastings says, that the said Terms were reasonable and proper, with a View to the effectual Execution of the said Service.

AND the said Warren Hastings denies, that he did make any such Engagements or Declaration touching the said Commission, as in the said Fourth Article is charged against him; but the said Warren Hastings admits, that, in consequence of some Objections being made to the aforesaid Plan of Supply, he did declare to the Effect following, that is to say, "The Utility or
 " Inutility of the Measure which has given rise
 " to these Objections and Answers, will be best
 " proved by its Effect; and that this may be
 " fairly made, I pledge myself that Mr. Belli
 " shall keep exact Accounts of the Purchases,
 " Charges, and Expenditure of all the Stores
 " committed to his Charge, and I will become
 " responsible for his producing them before
 " the Board, if ever the Court of Directors
 " shall be pleased to order it; and that the
 " Profits arising therefrom shall be paid into
 " the Company's Treasury, and appropriated
 " as they shall direct, if they shall not deem
 " them the just Reward of Mr. Belli's Services
 " and Fidelity."

AND the said Warren Hastings denies, that he had any Connection or Concern, directly or indirectly, in the Interests of the said John Belli, touching the said Agency, or in any other Respect whatsoever.

AND the said Warren Hastings says, that the Court of Directors having, upon an erroneous Statement of the Profits of the said John Belli, directed a proportionable Reduction of them to be made; and it having appeared that the Amount of the Profits actually received by the said John Belli were much below the Amount virtually allowed him by the said Orders, the said Warren Hastings and the Council did agree that the Subject should again be referred to the Consideration of the Court of Directors, and the same was referred accordingly; but no further Orders were received from them on that Subject, during the Time the said Warren Hastings remained in India.

AND the said Warren Hastings says, that in the Month of August, One thousand Seven hundred and Seventy-nine, the Board of Council, on the Motion of the said Warren Hastings, did agree to convert the Agency of the said John Belli into a Contract for the Space of Five Years, on the same Terms, and at the same Rate of Allowance as before mentioned; but the said Warren Hastings denies that the said Measure was of the Nature, or had the Tendency, or proceeded from the Motives, in the said Fourth Article charged.

AND

AND the said Warren Hastings denies that in all or any of the Declarations, Acts, or Proceedings by him made, done, proposed, or perpetrated, or supposed to have been made, done, proposed, or perpetrated, touching the Matters aforesaid, he the said Warren Hastings was or is guilty of any Crime or Misdemeanour whatsoever.

FIFTH ARTICLE.

IN Answer to the Fifth Article, the said Warren Hastings says, that Shuja Dowla, Nabob of Oude, and Vizier of the Empire, did, in the Year One thousand Seven hundred and Seventy-four, engage in a War with the Tribe or Nation of the Rohillas; and that he the said Warren Hastings did, whilst he was President of the Presidency of Fort William in Bengal, engage the East India Company to assist the said Shujah Dowla, their Ally, in the Prosecution of the said War.

AND he further says, that the Nabob Fyzoola Khan, a Chief of the Rohillas, did, in the Year One thousand Seven hundred and Seventy-four, after the Defeat of the Rohilla Army, make his Retreat to the Frontier of the Rohilla Country, and in that Situation did make Overtures of Peace to Alexander Champion, Commander in Chief of the Forces of the Company in Bengal, and who, at the Time of such Overtures, commanded the Troops of
the

the Company, then serving against the Rohillas. And the said Warren Hastings admits, that the said Alexander Champion did, in a Letter addressed to the said Warren Hastings, communicate to the President and Council of the said East India Company through the said Warren Hastings, then being President as aforesaid, certain Overtures of Peace, which had been then lately made to him by Fyzoola Khan, and submitted by him, the said Alexander Champion, to the said Vizier, but which the said Vizier had rejected with Disdain; and the said Alexander Champion did, in that Letter, express his Regret at such Rejection, and his Wish that the Board should, upon due Consideration of the said Overtures, devise any Means by which the Public Good might be promoted. And the said Warren Hastings denies, that the Terms of Peace offered by the said Fyzoola Khan were wise or advantageous either for the Vizier or the Company. And the said Warren Hastings says, that he did, in Answer to the Letter of the said Alexander Champion, in June, One thousand Seven hundred and Seventy-four, declare his Opinion, " that, instead
 " of soliciting the Vizier to relinquish his Con-
 " quest of the said Fyzoola Khan, every Argu-
 " ment should be used to dissuade him from
 " such an Intention; and that it was the Desire
 " of the said Warren Hastings, that the said
 " Alexander Champion would discourage it as
 " much as was in his Power." But the said Warren Hastings denies, that, in so doing, he acted in Violation of any Principles of Justice or sound Policy, or contrary to any Duties of his Station. And the said Warren Hastings admits,
 that,

that, at the several Times referred to in the said Fifth Article, the Government of the said Company in Bengal was carried on by a President and Council, and that such Select Committee was appointed, as is stated in the said Fifth Article, he affirms, however, that the President had Authority in certain Cases to act singly, and to send Orders without the Concurrence of the said Council or Select Committee. And the said Warren Hastings admits, that, whilst he was President, as aforesaid, he did, in Conjunction with the Select Committee, in a Letter from them to the said Alexander Champion, dated the Eighth Day of September, One thousand Seven hundred and Seventy-four, express themselves to the Effect following: " That their
 " Satisfaction upon the entire Reduction of the
 " Rohilla Country to the Vizier's Government
 " was increased by the Vizier's Intentions of
 " terminating the War by an Accommodation
 " with the Rohillas, which might be easily settled
 " in their distressed Situation, and that they
 " hoped his Excellency would be disposed to
 " conciliate their Affections to his Government,
 " by acceding to lenient Terms." But the said Warren Hastings, denying that he did afterwards violate the said public Order or Instruction, says, that he did, on the Sixteenth Day of September, One thousand Seven hundred and Seventy-four, in a Letter of that Date, addressed to the said Alexander Champion, in Answer to two Letters of the Twenty-first and Twenty-sixth of August, received that Morning, express an Hope, " that the said Alexander Champion
 " had resolved to prosecute the War to a final
 " Issue, because he thought it appeared very
 " plainly

“ plainly that Fyzoola Khan and his Adherents
 “ lay at the Mercy of the said Alexander Cham-
 “ pion, and because he apprehended much In-
 “ convenience from Delays, and because he was
 “ morally certain that no Good would be gained
 “ by negotiating.” And the said Warren Ha-
 stings did, in that Letter, further suggest,
 “ That although he had referred the said Alex-
 “ ander Champion to the Vizier for conducting
 “ all Negotiations, yet he by no means wished
 “ that the Vizier should lose Time, by seeking
 “ for an Accommodation: That it would be
 “ more effectual, more decisive, and more
 “ consistent with his Dignity, and with his
 “ Honour, which he had already pledged,
 “ to abide by his first Offers, to dictate
 “ the Conditions of Peace, and to admit
 “ only an Acceptance without Reservation,
 “ or a clear Refusal from his Adversary.”
 And the said Warren Hastings did, in the
 same Letter, inform the said Alexander Cham-
 pion, that he did intend to communicate the
 Substance of the said Alexander Champion’s
 Advices to the Select Committee for their fuller
 Sentiments on the Measures to be thereafter
 taken; but, in the mean time, to prevent the
 Danger of Delay, he desired that the said Alex-
 ander Champion would be pleased to receive
 those Instructions for his Guide. And the said
 Warren Hastings says, that at the Time he
 wrote the said last-mentioned Letter of the Six-
 teenth of September, he did confidently believe
 that the Sentiments of the Select Committee en-
 tirely coincided with his own, upon the several
 Subjects of the said Letter, and inasmuch as
 he then united in his own Person, by virtue of
 his

his Commission from the East India Company, the Powers and Authorities both of Commander in Chief and of President, he did conceive himself warranted by such his Powers and Authorities, the Exigencies of public Service, and the Necessity of "avoiding the Dangers of Delay," to give an instant Answer to the Two Letters received by him from the said Alexander Champion, as aforesaid, without waiting for a formal Communication with the Select Committee: But he says, that the Letter last mentioned was, on the Seventeenth Day of September, being the Day next after the same was written by him, laid before the said Select Committee, who did approve of the same, and notify such their Approbation to the said Alexander Champion, in a Letter dated the said Seventeenth of September. And the said Warren Hastings denies, that he did, by his Conduct last mentioned, violate the Duty of his Station, or illegally or clandestinely, or in any other Manner, counteract the Object of the Orders of the said Select Committee, or that he was in any Manner guilty of such Duplicity, or incurred such Risk respecting the Conclusion of the War as is charged upon him by the said Fifth Article. And the said Warren Hastings says, that a Treaty of Peace and Friendship between the Vizier and the said Fyzoola Khan was concluded on the Seventh of October, One thousand Seven hundred and Seventy-four, at a Place called Lal Dang, previous to the Receipt of the said Letter of the said Warren Hastings of the Sixteenth of September, One thousand Seven hundred and Seventy-four. That the said Fyzoola Khan, in Consideration of the Conclusion thereof,

P

agreed

agreed to pay, and in fact paid, the Sum of Fifteen Lacks of Rupees, or some other large Sum of Money, to the said Shuja Dowla, by which Treaty the said Fyzoola Khan was established in the quiet Possession of the Territories of Rampore, and some other Districts dependant thereon, in the Nature of Jaghires. And the said Warren Hastings says, that the said Alexander Champion did, on the said Seventh of October, One thousand Seven hundred and Seventy-four, sign and seal the said Treaty as a Witness thereto. But the said Warren Hastings denies that the said Alexander Champion did thereby engage the said United Company to guarantee the same; or that at the Time of the Execution of the said Treaty he was invested with Power so to do. And the said Warren Hastings denies that he understood the Guarantee of the Company to be so engaged, although he admits that, under the Circumstances which attended the Execution of the said Treaty, it would have been proper for the said East India Company to have interfered, in order to prevent any Infraction thereof. And the said Warren Hastings believes that the said Fyzoola Khan did conceive Doubts and Apprehensions that the Security of his Jaghire Lands might be disputed by the Vizier; and says, that Applications from the said Fyzoola Khan were at several Times communicated, both to the said Warren Hastings and the Supreme Council at Bengal, for the Purpose of obtaining the Guarantee of the said Company to the Engagements of the said Vizier with the said Fyzoola Khan. But the said Warren Hastings denies that he did for many Months, or at all, conceal or keep

keep secret any Solicitations of the said Fyzoola Khan upon that Subject; and he says, that all Letters received from the said Fyzoola Khan by the said Warren Hastings were, in Effect, a Communication to, and Part of a Correspondence with, the whole Board; and that the same, as the said Warren Hastings believes, were duly entered in the Book of Persian Correspondence, which was always open to the Inspection of the Board, and accessible by every Member thereof. And the said Warren Hastings says, that a Letter having been received by the Board from the said Middleton, dated at Lucknow, the Twenty-fifth of February, One thousand Seven hundred and Seventy-eight, notifying, amongst other Things, his Deputation of Mr. Daniel Octavius Barwell to Rampore, the Capital of the said Fyzoola Khan, for the Purposes stated in the said Article, he the said Warren Hastings did, upon the Ninth of March, One thousand Seven hundred and Seventy-eight, propose, and the Council, of which the Majority was constituted as is stated in the Fifth Article, did approve of the Appointment of the said Daniel Octavius Barwell made by the said Middleton; and did further resolve, "That the said Resident Middleton should be authorized to offer the Company's Guarantee for the Observance of the Treaty subsisting between the Vizier and Fyzoola Khan, provided it should meet with the Vizier's Concurrence." And the said Warren Hastings says, that the said Daniel Octavius Barwell did, in a Letter to Mr. Middleton, report his Opinion of the good Faith of the said Fyzoola Khan, and did inform the said Middleton, that he the said Barwell had himself assured

the said Fyzoola Khan that he Fyzoola Khan had preserved inviolate every Article of the Treaty of Lal Dang; but the said Warren Hastings does not believe or admit that the said Fyzoola Khan had preserved inviolate the said Treaty. And the said Warren Hastings says, that it was represented to him and the Council at Calcutta, that the Vizier Affof o' Dowla did consent to the Grant of the Company's Guarantee, on Condition that he should receive the Presents usually offered on such Occasions; and that it was in like Manner represented that the said Treaty and Guarantee was presented to the said Fyzoola Khan with great Solemnity; and that the said Fyzoola Khan did deliver to the said Daniel Octavius Barwell a Nuzzer of Two Elephants and Horses, and a Lack of Rupees for the Vizier, and did offer a Lack of Rupees also for the Company, in Testimony of his Gratitude on that Occasion. And the said Warren Hastings admits that the said Daniel Octavius Barwell did not immediately accept the said Money, but took an Obligation for the same, and that the said Offer was communicated to the Board at Calcutta; and that the said Warren Hastings did propose, and that the Board, notwithstanding the Objection of Mr. Francis, then a Member of the said Board, did agree to accept the same for the Use of the Company, and that the same was accordingly so accepted; but the said Warren Hastings denies, that by the Whole or any Part of the Conduct of him the said Warren Hastings, in respect to the Matters aforesaid, he has violated the Faith of the Company, or degraded the English Nation in the Eyes of India,

dia, or has broken any Treaty, or violated any
 Duty of the Trust reposed in him. And the
 said Warren Hastings says, that by the Treaty
 of Lal Dang, the said Fyzoola Khan did en-
 gage, " That he would always whilst he lived
 " continue in Submission and Obedience to the
 " Nabob Vizier, and retain in his Service
 " Five thousand Men, stipulated by the Nabob
 " Vizier, and not a single Man more: That
 " with whomsoever the Nabob Vizier should
 " engage in Hostilities, he would assist him;
 " and that if the Nabob Vizier should send
 " an Army against any Enemy, he would
 " also send Two or Three thousand of his
 " Troops to join them; and if the said Vizier
 " should go in Person against any Enemy, he
 " the said Fyzoola Khan would personally at-
 " tend him with his Forces. That he would
 " have no Connection with any Person but the
 " Nabob Vizier, and would hold no Corre-
 " spondence with any one (the English Chiefs
 " excepted): That whatever the Nabob Vizier
 " directed, he would execute; and that he
 " would at all Times, and on all Occasions,
 " both in Adversity and Prosperity, continue
 " his firm Associate." And the said Warren
 Hastings admits, that it was not stipulated by
 the said Treaty whether all or any of the said
 Troops should consist of Cavalry: And he says,
 that the Resident Middleton was, in the Year
 One thousand Seven hundred and Seventy-eight,
 empowered to guarantee, and did in fact gua-
 rantee, the Treaty of Lal Dang aforelaid;
 and that certain Doubts having occurred to
 Fyzoola Khan respecting the Guarantee of
 the said Middleton, that he the said Warren
 Hastings,

Hastings, in order to satisfy those Doubts, did, in or about the Month of May, One thousand Seven hundred and Seventy-eight, propose to the Board to confirm, and in consequence of a Resolution of the Board did in fact confirm, the said Treaty and Guarantee as Governor General as aforesaid.

AND the said Warren Hastings, denying that he did disregard the Pledge of his own private Honour, or that he did act in opposition to the Intent and Meaning of the said Treaty, as he then knew or understood the same, says, that some Time in the Year One thousand Seven hundred and Seventy-eight, a War having lately broke out between the English and French Nation, in which War the Nabob Vizier was engaged on the Part of the East India Company, the said Fyzoola Khan did, about that Time, in a Letter addressed to Mr. Middleton, then Resident at Oude, taking notice that the said Fyzoola Khan had learnt that such War had broken out between the English and French Nation, offer to furnish Two thousand Cavalry to be employed in the Service of the Company, which Offer the said Governor General and Council did accept; and that Five hundred of those Troops did accordingly serve under Major Brisco, a British Officer, and that in consequence of Representations made to the Board by the Commander in Chief, of the Necessity of increasing the Force then under the Command of that Officer, and a reasonable Cause existing for the same, the Board did unanimously resolve to recommend to the Vizier to require from the said Fyzoola Khan the Quota of Troops stipulated

lated by Treaty to be furnished by the said Fyzoola Khan for his the said Vizier's Service, and did represent the same as amounting to Five thousand Horse; but the said Warren Hastings admits, that the Representation then made by him under such Order of the said Board, was erroneous in respect to the Force which the said Fyzoola Khan was, by the Terms of the said Treaty, obliged to furnish. And the said Warren Hastings avers, that the Representation aforesaid was made in consequence of mere Error and Mistake on his Part, and, as he believes, also on the Part of every other Member of the Council. And the said Warren Hastings says, that the Board did afterwards, upon his Motion, desire the said Vizier to demand Three thousand Horse from the said Fyzoola Khan, and the said Vizier did accordingly demand the same, and the said Fyzoola Khan was, as the said Warren Hastings believes, able to supply such Force. And the said Warren Hastings denies that he did, at the Time of the making either of the several Demands above mentioned, know or believe that the said Fyzoola Khan was not bound by Treaty or otherwise to furnish the Quantity of Force at those several Periods respectively demanded; nor as to the said last mentioned Demand does the said Warren Hastings now admit that the said Fyzoola Khan was, according to the Intent and Meaning of the Parties to the Treaty, not so bound. And the said Warren Hastings denies that, by all or any of the several Acts by him supposed to have been committed, or by all or any of the Premises herein contained, he did break the Company's Guarantee given to the said Fyzoola Khan as aforesaid, or excite the Vizier

to any Acts of Violence or Breach of Treaty against the said Fyzoola Khan; and as to so much of the said Fifth Article as respects the Powers wherewith the said Warren Hastings was or is supposed to have been invested, and whereby he was authorized to proceed to the said Country of Oude, the said Warren Hastings humbly craves Leave to refer to his Answer already made to the Second Article, in that Behalf. And the said Warren Hastings admits that such Treaty, called the Treaty of Chunar, was made, containing, amongst other Things, the following Article: "That as Fyzoola Khan had, by his Breach of Treaty, forfeited the Protection of the English Government, and caused, by his Continuance in his present independent State, great Alarm and Detriment to the Nabob, that the said Nabob should be permitted, when Time should suit, to resume his Lands, and pay him in Money, through the Resident, the Amount stipulated by Treaty, after deducting the Amount and Charges of the Troops he stood engaged to furnish by Treaty, which Amount should be passed to the Account of the Company during the Continuance of the War;" but the said Warren Hastings denies that he received the Sum of One hundred thousand Pounds, or any other Sum of Money, as a Consideration to him the said Warren Hastings for executing the said Treaty, or that the Execution of such Treaty was in any Manner influenced or procured thereby.

AND the said Warren Hastings, denying that he did, by making or executing the said Article of the Treaty aforesaid, corruptly or treacherously

treacherously break the Faith of the Company, admits, that he did, about the Time of executing the said Treaty, communicate to the Members of the Supreme Council at Calcutta, his Reasons for entering into the said Article of the said Treaty in the Manner and in the Terms suggested in the said Fifth Article of Impeachment. And the said Warren Hastings admits that he did, some time in the Year One thousand Seven hundred and Eighty-two, give Instructions to the said Middleton to prevent the Vizier from resuming the Jaghire of the said Fyzoola Khan. And the said Warren Hastings denies that, in the making or executing the said Treaty of Chunar, or by any Declaration or Instructions respecting the same, he was or is guilty of all or any of the Offences in the said Fifth Article mentioned, or of any Offence whatsoever, or that he was guilty of any Disregard to the Principles upon which Treaties between Nation and Nation ought to rest, or that he placed the East India Company in such a Situation as in the said Fifth Article is described. And the said Warren Hastings says, that it having been communicated to him that a Plan was under the Vizier's Consideration for proposing to Fyzoola Khan to commute the uncertain Military Aid which the said Fyzoola Khan was bound to furnish for a pecuniary Subsidy, the said Warren Hastings did, in a Conversation with the said Sir Elijah Impey, express his Approbation of such Plan; and he believes that such Approbation was, in consequence thereof, communicated by the said Sir Elijah Impey to the said Middleton; but the said Warren Ha-

Q

stings

stings denies that, to his Knowledge or Belief, any Demand was actually made by the said Middleton upon the said Fyzoola Khan of such Subsidy.

AND the said Warren Hastings says, that the said Middleton did propose to the Governor General and Council, that a Cession of his Jaghire should be required from Fyzoola Khan, upon certain Conditions; but the said Warren Hastings denies that such Cession was ever, to his Knowledge or Belief, actually demanded by the said Middleton from the said Fyzoola Khan, or that the making of such Demand was ever in any Manner authorized or approved by the Board.

AND the said Warren Hastings denies, that by entering into the Third Article of the Treaty of Chunar he did render the said Fyzoola Khan liable to any contradictory Demands whatsoever. And the said Warren Hastings denies that he did, at the Time stated in the said Fifth Article, or at any other Time whatsoever, in any Manner nominate Major Palmer, in the said Fifth Article mentioned, to repair to Rampore, or ever empowered him to act with Fyzoola Khan as the private Agent of him the said Warren Hastings; but the said Warren Hastings says, that the said Palmer was, about the Time mentioned in the said Article, sent to Lucknow and other Places with the Approbation of the Board for the Execution of certain public Purposes, and was, upon that Occasion, verbally instructed by him the said Warren Hastings

things to make certain Enquiries respecting the Affairs of the said Fyzoola Khan. The said Warren Hastings however begs leave to insist, that he was not, in respect of such verbal Instructions, guilty of any criminal Concealment, or that he acted in any Manner contrary to the Duties of his Station. And the said Warren Hastings says, that he does not know or believe that the said Middleton did demand from the said Fyzoola Khan, a Force to be made stationary at Lucknow in the Province of Oude. And the said Warren Hastings says, that the Board of Council at Calcutta did, in the Month of September, One thousand Seven hundred and Eighty-two, at the Instance and upon the Recommendation of the said Warren Hastings, remove the said Mr. Middleton from the Residency of Lucknow in the Province of Oude, and appoint the said Mr. Bristow Resident in his Place, with full Power and Authority to discharge the Duties of the said Office. And the said Warren Hastings says, that it was represented to him the said Warren Hastings, that the said Mr. Bristow did, soon after his Appointment, endeavour to procure, on the Behalf of the Vizier, through a certain Person called Alliff Khan, Vakeel of Fyzoola Khan, a Pecuniary Aid from the said Fyzoola Khan, in lieu of the Military Aid which the said Fyzoola Khan was obliged to furnish, agreeable to the Stipulations in the said Treaty of Lal Dang; but the said Warren Hastings does not understand or believe that such Pecuniary Aid was ever required by the said Bristow, otherwise than in lieu of, and as a Commutation for Military Aid: And the said Warren Hastings

admits that the said Fyzoola Khan was not bound to supply such Pecuniary Aid. And the said Warren Hastings says, that the said Mr. Bristow did, soon after his said Appointment, in a Letter dated the Nineteenth December, One thousand Seven hundred and Eighty-two, and addressed by him to the Governor General and Council at Bengal, represent that he had, in Obedience to their Commands, advised the Nabob Vizier to concert and form a new and permanent Agreement with the Nabob Fyzoola Khan, which might obviate all future Signs of Jealousy or Distrust; that the Mode which his Excellency had thought the most eligible to effect those Purposes, was the Deputation of a Gentleman, who should be authorized to settle all disputed Points; and that he took the Liberty to recommend, that Major William Palmer should undertake that Service: And that the said Mr. Bristow did, by another Letter, dated the Thirtieth Day of December, One thousand Seven hundred and Eighty-two, addressed to the said Governor General and Council, represent, that the said Mr. Bristow had given the said Major Palmer certain Instructions, in Obedience to the Commands of the Vizier. But the said Warren Hastings, admitting that the Appointment of Major Palmer was afterwards approved by himself and the rest of the Board at Calcutta, denies that the said Major Palmer was in any Manner so deputed, for the Purpose of carrying into Execution, any unjust or arbitrary Plans of him the said Warren Hastings. And the said Warren Hastings says, that the said Major Palmer was particularly directed by himself and the rest of the

Board at Bengal, in a Letter to Mr. Bristow, bearing Date the Twenty-third of January, One thousand Seven hundred and Eighty-three, to endeavour to convert the Stipulation for Troops into a fixed Subsidy. And the said Warren Hastings denies that a Supply of Money was upon any other Ground, or in any other Manner than is above stated, endeavoured to be obtained from the said Fyzoola Khan, by the Direction of him the said Warren Hastings, or by the Direction of any other Person whatsoever, to the best of his Knowledge and Belief.

AND the said Warren Hastings further says, that at the Time when he, together with the rest of the Board at Calcutta, did recommend that the Stipulation for Troops should be converted into a fixed Subsidy, he did also, together with the said Council, by the same Letter, declare, " That if Fyzoola Khan should refuse " to treat for a Subsidy, and claim the Benefit of " his original Agreement in its literal Expression, he possessed a Right which they " could not dispute." And the said Warren Hastings says, that he, together with the said Board, did, at the same Time, and by the said last mentioned Letter, state to the said Bristow that in case the said Fyzoola Khan should refuse to treat for a Subsidy, it would in that Case remain only to fix a precise Number of Horse which he should furnish, which ought at least to exceed Two thousand Five hundred; but that also was to be left for discretionary Adjustment. And the said Warren Hastings apprehends, that the said Fyzoola Khan was, according to the true Intent and Meaning of the said Treaty

Treaty of Lal Dang, bound to furnish the said last mentioned Number of Horse. And the said Warren Hastings says, that the Board at Calcutta did, by the Letter last mentioned, communicate through Mr. Bristow the Resident aforesaid, to the said Major Palmer, Instructions, amongst other Things, “to demand the Surrender of all the Ryotts of the Nabob Vizier’s Dominions, to whom Fyzoola Khan had given Protection and Service, or an annual Tribute, in Compensation for the Loss sustained by the Nabob Vizier in his Revenue thus transferred to Fyzoola Khan, declaring that his Encouragement of the Defection of the Subjects of his Sovereign Lord, and his Acceptance of their Allegiance, was contrary to the most ancient and fundamental Laws of the Constitution of Hindostan, and a Crime against the Nabob Vizier his Sovereign; and taking notice that the said Bristow had stated the Increase of his Jaghire, occasioned by that Act, at the moderate Sum of Fifteen Lacks, they declared that the Tribute ought to be at least One Third of that Amount.” And the said Warren Hastings insists, that the Instruction last mentioned was warranted by Information received by the said Board, to the Effect stated in that Letter; and which Information the said Warren Hastings then believed to be true, although he admits he did afterwards receive Intelligence from Major Palmer that such Information was not well founded, in the Extent in which the said Warren Hastings had before believed the same to be true, and that the said Demand had been on that Account waved; which Intelligence from
the

the said Major Palmer was accordingly laid before the Board, who were satisfied therewith. And the said Warren Hastings says, that the said Major Palmer did not, under the Authority of him the said Warren Hastings, exact from the said Fyzoola Khan the Payment of the said Sum of Money stated in the said Fifth Article, but under the joint Authority of the Vizier, and the Governor General and Council, did make an Agreement with the said Fyzoola Khan, that the said Fyzoola Khan should pay a large Sum of Money, amounting to Fifteen Lacks of Rupees, in Consideration of the Remission of the Military Aid, with which he was by the Treaty of Lal Dang bound to furnish the said Vizier; and that the said Fyzoola Khan was well satisfied with the Terms of that Agreement, and the Consideration for such Payment.

AND the said Warren Hastings denies, that such Payment was exacted, or that the same was obtained under any false Pretence whatsoever. For the said Warren Hastings denies, that any Doubts entertained by the said Vizier and the said Fyzoola Khan, or either of them, respecting the Number and Description of those Troops, with which he was bound to supply the said Vizier, were created or raised by him the said Warren Hastings, or that he was guilty of any faithless or improper Conduct in respect to the Premises in the said Fifth Article mentioned. And the said Warren Hastings admits, that it was stipulated between the said Palmer, and the said Fyzoola Khan, that the said Sum of Money should be paid by certain periodical Payments. And the said Warren Hastings says, that

that in the Year One thousand Seven hundred and Eighty-four, finding that Two Lacks of the above stipulated Sum were then in regular Course of Payment, and that the remaining Three were not due by Stipulation till the next Season, he did, with a View to the speedy and final Adjustment of that Account, and the Convenience of the Public Service, but not in Disregard of any Stipulations on this Subject, intimate to the Vakeel of the said Fyzoola Khan his Wish to have both Payments immediately concluded, and that the same were in Compliance with such Request of the said Warren Hastings accordingly made.

A N D the said Warren Hastings denies, that he did by all or any of the supposed Acts or Deeds in the said Fifth Article set forth, or in respect of any of the Premises, violate any Ties of Honour or Conscience, or in any Manner betray his Trust. And the said Warren Hastings further denies, that all or any of the Acts by him done were productive of any such Consequences as are stated in the said Fifth Article, or that in or by all or any of the Premises, he was or is guilty of any Crime or Misdemeanour whatsoever.

SIXTH ARTICLE.

AND the said Warren Hastings, in Answer to the said Sixth Article, says, that he did on the Tenth Day of February, in the Year One thousand Seven hundred and Sixty-nine, by an Indenture of that Date made between the East India Company and himself, covenant, that he would not at any Time during his being employed in the said Company's Service, in any Station or Capacity whatsoever, accept, take, or receive any Gift, Reward, Gratuity, Allowance, or Donation, from any of the Indian Princes, or any of their Ministers, Servants, or Agents, exceeding the Value of Four thousand Rupees, without the Licence or Consent of the Court of Directors of the said Company, nor any such Reward, Gratuity, Allowance, or Donation, exceeding the Value of One thousand Rupees, and under the Value of Four thousand Rupees, without the Licence or Consent of the President and Council for the Time being, of the Presidency, or Settlement, where the said Warren Hastings should be employed.

AND the said Warren Hastings further says, that by an Act of Parliament passed in the Thirteenth Year of the Reign of His present Majesty, the Receipt of Presents by the Servants of the East India Company was prohibited in the Manner stated in the said Act.

R

AND

AND the said Warren Hastings admits, that a Salary amounting to Twenty-five thousand Pounds a Year, together with certain other Emoluments, was provided for the Office of President and Governor General by the East India Company, and by the Act of Parliament aforesaid; and that he did in fact receive the said Salary, and enjoy the said Emoluments. And the said Warren Hastings denies that he did, either before or since the passing of the said Act, or whilst he continued such President and Governor General as aforesaid, extort, or corruptly, illegally, or criminally take, accept, or retain any Sum or Sums of Money, as Presents, Gifts, Donations, Gratuities, or Rewards, or in any other corrupt, illegal, or criminal Manner whatsoever; or that he was in any such Respect guilty of any Violation of the Duties of his Office, or did act in Defiance of the Act of Parliament above mentioned, or in Contradiction to his Understanding of the same.

AND the said Warren Hastings further says, that he did not fraudulently solicit any Loan from Rajah Nubkishen, as in the said Sixth Article is suggested: But the said Warren Hastings says, that he did receive from the said Nubkishen the Sum in the said Sixth Article mentioned, for the Use and Benefit of the East India Company; and did afterwards inform the Directors of the East India Company that he had received such Sum of Money for their Use. And he further says, that having incurred certain Expences in his public Capacity for public Uses, and properly chargeable to the said Company, and which he had omitted to

charge in his official Accounts to the said Company at the Periods in which such Expences had been respectively incurred, he did apply the said Sum of Money in Satisfaction of those Expences, a particular and sufficient Account whereof, was by him transmitted to the Court of Directors. And the said Warren Hastings further says, that he did, at or about the several Times in the said Sixth Article mentioned, receive from Saddanund, the Buxey or Treasurer of Cheyt Sing, from Affof o' Dowla, the Nabob of Oude, and from a Person called Nundoololl, the several Sums charged in the said Sixth Article to have been respectively received by him from the said several Persons. But he says, that he did not take, accept, or receive the same, or any of them, or any Part thereof, for his own Use or Benefit, or with any Intent or Purpose so to apply the same, or with any corrupt or criminal Intent or Purpose whatsoever; and that the same, and every of them, and every Part thereof, were by him respectively accepted and received, during a Period of great public Exigency, for the sole Use and Benefit of the East India Company; and he avers that the same, and every of them, and every Part thereof, were accordingly so applied.

AND the said Warren Hastings denies, That he did ever, in any Manner, contrary to his Duty, or injuriously to the Interests of the said East India Company, or of the British Nation, let any Lands to Kyalleram and Cullian Sing, or either of them, as in the said Sixth Article is alledged; but the said Warren Hastings says, that the Governor General and Council,

cil, but not he the said Warren Hastings alone; did let the said Lands to the said Persons, from whom he did accept and receive, in consideration thereof, an Obligation or Security for the Sum in the said Article mentioned; and he says, that the Terms upon which the said Lands were letten, were proper to be made, and were advantageous to the said Company, for whose Use and Benefit the said Security was taken as aforesaid: And he further says, that the whole of the Sum received upon the said Security was accordingly so applied.

AND the said Warren Hastings further says, that the Governor General and Council did, on divers Days and Times, in the Year One thousand Seven hundred and Seventy-five, legally and regularly meet: But the said Warren Hastings denies, that he was, at the Time of any such Meetings, ever charged with the Receipt of the Sum of Money in the said Sixth Article alledged to have been extorted by Contoo Bauboo, from Maha Ranny Bowannee, or that such Receipt or Transaction was ever proved before the said Council.

AND the said Warren Hastings admits, that the Court of Directors did write a Letter to the Effect in the said Sixth Article stated; and he says, that Munny Begum was, by a Vote of the President and Council, the said Warren Hastings being then President, and recommending that Measure, appointed to the Office of Guardian of the Nabob Mobaurek o' Dowla, to which Office the said Warren Hastings avers, it was then proper and expedient to appoint

point the said Munny Begum; and he denies, that such Appointment did invest her in any Degree with the Government of his Dominions, if by that Expression is meant the Government of Bengal, or was contrary to the Orders of the Court of Directors, or that the same was to the Prejudice of the Rights and Interest of the said Company, or of the Nation.

AND the said Warren Hastings says, that by a Resolution of the President and Council, he the said Warren Hastings being then President, and concurring therein, Khan Jehan Khan was appointed to such Office, as is in the said Sixth Article stated, which the said Warren Hastings admits to have been a Place of Trust and Profit, and to have had such Salary annexed to it, as is stated in the said Article; but the said Warren Hastings denies, that any such Agreement was made between him, and the said Khan Jehan Khan, as in the said Sixth Article is stated.

AND the said Warren Hastings says, that at a Meeting of the Council held on the Thirtieth March, One thousand Seven hundred and Seventy-five, a Charge was made against him, the said Warren Hastings, but not by the Majority of the Council, touching a certain Sum of Money supposed to have been by him received from the said Khan Jehan Khan; and he says that the said Meeting was by the Board unanimously dissolved, on the said Thirtieth March.

AND

AND the said Warren Hastings further says, that he did, on the Thirty-first March, One thousand Seven hundred and Seventy-five, dissolve a Council then held; but he says that such Dissolution was not for the Purpose of preventing an Enquiry into any Charge against him, he the said Warren Hastings having, by a Minute, dated Thirteenth March, One thousand Seven hundred and Seventy-five, pointed out a Method to the said Majority, by which any such Enquiry might be as effectually prosecuted in his Absence as before a Meeting of the Governor General and Council, at which the said Warren Hastings should preside as Governor General; and to which Minute he did, on the said Thirty-first of March, refer the said Majority, in order that such Method of Enquiry might by them be adopted; and he denies that such Dissolution was arbitrary, illegal, or improper. And the said Warren Hastings denies that any Charge was, at the Time of such last mentioned Dissolution, made against him by the said Majority; and he says, that on the Nineteenth May following, at a Council then held, he did, in the Course of certain Enquiries then depending, for certain Reasons which he then stated, object to the said Khan Jehan Khan being examined upon Oath; but he denies that he did ever illegally or violently attempt to prevent, or did prevent, the said Khan Jehan Khan, or any other Persons, from giving Testimony on Oath before the said Council; and he denies that he did, in all or any of the Respects above stated, violate his Duty as Governor General, or act in Defiance of any Act of Parliament.

AND

AND the said Warren Hastings denies that he ever did, whilst he continued such President or Governor General, as aforesaid, appoint any Person or Persons to any Office or Offices, for Gift or Brocage, or in consideration of any Sum or Sums of Money whatsoever, or that he ever did corruptly, illegally, or extorsively receive or accept from any Person or Persons any Sum or Sums of Money, in consideration of his, or their Appointment, to any Office or Offices, either before or after their Admission thereto. And the said Warren Hastings further denies that he has concealed, or kept secret any Receipt of Money, as in the said Article is suggested. And the said Warren Hastings denies that he has, in respect of all or any of the several Matters stated in the said Sixth Article, violated any of the Duties of his Station, subverted good Government, shewn an evil Example to the Servants of the East India Company, been guilty of Corruption, Peculation, or Extortion, or has acted in Defiance of any Act of Parliament, or was or is guilty of any Crime or Misdemeanour whatsoever.

SEVENTH ARTICLE.

IN Answer to the Seventh Article, the said Warren Hastings denies, that by the Laws and Customs of Bengal, according to such Information as he has been able to procure respecting them, the Zemindars have, or have been

been generally held or reputed to have, such Rights of Property in the Lands of Bengal, as are in the said Seventh Article stated; but he says, they are possessed of certain qualified Rights of Property therein, which he believes have been charged with Debts, and under certain Limitations sold, and otherwise conveyed: And he further says, that other Natives, called Talookdars or Ryots, hold subordinate Rights of Property or Occupancy in the said Lands; and that the greater Part of the said Natives are Hindoos, whose Rights and Privileges are grounded upon regular Grants; and that the Estates derived thereunder have, in some Instances, been enjoyed in a Course of Family Succession, and acquired by Purchase, subject however to the Right of the Sovereign Power to derive a Revenue from the Lands, adequate to their real Value, and to make Ordinances and Regulations respecting such Revenues and Lands, not inconsistent with the Rights of such Zemindars.

AND the said Warren Hastings has heard and believes, That Bengal was under the Dominion of the Mogul, and subject to a Mohammedan Government, for above Two hundred Years.

AND the said Warren Hastings does not know, or believe it to be true, that while the Mogul Government was in its Vigour, the State of Property in the Zemindars was such as in the said Seventh Article is stated, or that the Rent of the Provinces had not been materially altered, from the Year One thousand Five hundred and Seventy-three to the Year One thousand
Seven

Seven hundred and Forty; or that in the Year One thousand Seven hundred and Forty the regular and effective Mogul Government ended.

AND the said Warren Hastings says, he has been informed that, from the said last-mentioned Period, to the Year One thousand Seven hundred and Sixty-five, Invasions, Usurpations, and various Revolutions, did take place in the Government of Bengal; in consequence of which, and of other Circumstances, the Country was considerably reduced and impoverished, and that in the Year One thousand Seven hundred and Sixty-five, the East India Company received from the present Mogul Emperor Shah Aallum a Grant of the Dewanny of Bengal, Ba- and Orissa. And the said Warren Hastings admits, that there was, about the Year One thousand Seven hundred and Seventy, a Famine in the Provinces of Bengal and Bahar, by which he has heard that a great Number of the Inhabitants perished; and he has also heard, that the Revenue was, in the Two Years immediately preceding the Appointment of the said Warren Hastings to the Government of Fort William, kept up to its former Standard, and collected from the remaining Inhabitants; and that the Country was impoverished.

AND the said Warren Hastings says, that he knew of the Effects produced by the said Famine; and that the Collections of Revenue in the said Provinces, prior to the Appointment of the said Warren Hastings to the said Government, had contributed to increase the Distress of the said Country, and were likely to produce
S a Decay

a Decay of the Revenue, unless Means were adopted to prevent such Decay.

AND he admits, that it was his Duty, when appointed to the Government of Fort William, to apply such Means for that Purpose as were within his Judgment and Power.

AND the said Warren Hastings, denying that the Knowledge and Judgment which he entertained at the Time referred to in the said Seventh Article, respecting the Rights of Zemindars, and the Advantages to be expected from entrusting to them the Collections of the Revenues, are therein fully and truly set forth, craves leave to refer to a Letter written and transmitted by himself and the Council to the Court of Directors on the Third Day of November, One thousand Seven hundred and Seventy-two, which Letter contains at large the then Knowledge and Judgment of him the said Warren Hastings upon those Subjects; and from which Letter the said Warren Hastings apprehends that the Matters referred to in the said Article are extracted.

AND the said Warren Hastings says, that the Court of Directors having resolved to stand forth as Dewan, and by the Agency of the Company's Servants to take upon themselves the entire Care and Management of the Revenues of Bengal; and having directed that the Presidency of Fort William should plan and execute this important Work, and adopt such Regulations and pursue such Measures as should at once secure to the Company every possible Advantage,

vantage, and free the Ryots from the Oppressions of the Zemindars and petty Tyrants, the said Warren Hastings did, in the Year One thousand Seven hundred and Seventy-two, soon after his taking Charge of the Office of President of Fort William, diligently undertake the said important Work; and having employed the best Means in his Power of procuring Information on a Subject then much involved in Difficulties and Obscurity, the said Warren Hastings did, with the unanimous Concurrence of the then Council of the Presidency of Fort William, form and carry into Execution such Plan for the Collection and Management of the Revenues of the Province of Bengal, and for the internal Government thereof, as upon mature Consideration appeared to the said Warren Hastings most conformable to the Orders and Intention of the Court of Directors, and best calculated to promote the Ends proposed.

AND the said Warren Hastings says, that certain new Regulations having been completed and publicly notified, the Revenues were settled for a Period of Five Years, upon such Terms as to the President and Council appeared reasonable and just, with a progressive and accumulating Increase on each of the Four last Years of the said Settlement; but he denies that such Settlement of the said Revenues was made at a higher Rate than had ever been received before.

AND the said Warren Hastings denies that, in respect of the said Settlement, he acted in any such Manner, or was guilty of

any such Offences as are stated in the said Seventh Article, or that the said Settlement, so formed, was, in any Respect, unjust, inexpedient, or improper.

AND the said Warren Hastings, denying that, in the Measures herein after mentioned, he acted with a View to accomplish any iniquitous Purpose whatsoever, alledges it to have been a Part of the Plan herein before mentioned, that the Lands of Bengal should be let out in Farms; and the said President and Council, he the said Warren Hastings being then President, did accordingly publish their Intention so to do, and did invite all Persons to make Proposals for farming the said Lands; but he says, that such Mode having failed of its intended Effect, it was deemed expedient to put up the Lands to public Auction; and the Lands were accordingly let in that Mode, at the usual Season. And the said Warren Hastings says, that the said Lands were, prior to such letting, in the Possession of divers Zemindars, Talookdars, Farmers, and others; and that a Change of Possession did, in some Instances, take place; but that, in every Instance, a Preference was given to the Zemindar who was willing to give what was considered to be an adequate Rent for the Lands; and that an Allowance was made to the Zemindar, whenever his Proposal was rejected, agreeably to the ancient Usages of the Country. And the said Warren Hastings further says, that, in some Instances, the Lands were let to Persons who were the Banyans of British Subjects. And the said Warren Hastings says, that, notwithstanding many Precautions were used to prevent it,

Part of the said Lands fell into the Hands of some Persons who proved, in the Event, unable to perform their Engagements with the Company; but he denies that such Event was foreseen by him. And the said Warren Hastings avers that, in making the Settlement aforesaid, the President and Council, he being then President, did pay every Attention to the State of the Country and its Inhabitants which Policy and Humanity required; and denies that the said Settlement, either in Fact was, or did in Form appear to be, of such Kind, or calculated for such Purposes, or productive of such Effects, as are in the said Seventh Article, in that Behalf, set forth; but he admits that it did afterwards appear, that the Zemindars and Farmers had engaged for a higher Rent than the Districts could afford, and that the real Receipts did fall considerably, but not unusually, short of the Settlement; but as to the Amount of such Deficiency, and the particular Periods thereof, the said Warren Hastings craves Leave to refer to the public Accounts and Proceedings of the said Presidency, touching the same.

AND the said Warren Hastings, denying that he was a Party to, or in any Manner concerned in, or answerable for, any Imposition, Fraud, Peculation, or Embezzlement, says, that the Court of Directors of the East India Company, having received Intelligence of Peculation and Embezzlement supposed to have been committed by some of the Persons constituting the Committee of Circuit, at a Time when he the said Warren Hastings had ceased to act in the said Committee, did direct Prosecutions
against

against such Persons, and against all other proper Parties, which Prosecutions, he admits, never proceeded to Trial: But he says that, in consequence of a Report from the Advocate General, to whom the Subject had been referred by the Governor General and Council, the said Warren Hastings did, in the Year One thousand Seven hundred and Eighty-four, declare, that having attentively read and weighed the Arguments urged by the Advocate General in his Report concerning the Prosecutions long depending in the Supreme Court of Judicature, he the said Warren Hastings was clearly of Opinion, that there was no Ground to maintain them; and as it was manifest from his the said Advocate General's State of them, they would only be productive of Expence to the Company, and unmerited Vexation to the Parties; he the said Warren Hastings proposed, that Orders should be given for withdrawing them, which Orders were accordingly given by the Board.

A N D the said Warren Hastings further says, that previous to the Settlement herein before mentioned, he admits that he did, in concurrence with the Council, establish certain Regulations to be observed in executing the same, amongst which were the Two following: " That
 " the Farms should consist of entire Perga-
 " nas, provided they did not exceed the An-
 " nual Amount of One Lack of Rupees, in
 " which Case they should be divided into such
 " equal Proportions as should reduce the
 " Amount of each considerably below that
 " Sum, unless the acknowledged Responsibility
 " and good Character of the Farmer should sup-
 " port

“ port his Pretensions to rent the whole Per-
 “ gana; and that all Villages or Portions of
 “ Land which had been theretofore let in sepa-
 “ rate Farms, should be re-annexed to the Per-
 “ ganas to which they originally belonged.”
 —“ That no Peshcar Banyan, or other Servants,
 “ of whatever Denomination, of the Collector,
 “ or Relation or Dependant of any such Ser-
 “ vant, be allowed to farm Lands, nor di-
 “ rectly or indirectly to hold a Concern in any
 “ Farm, nor to be Security for any Farmer :
 “ That the Collector be strictly enjoined to
 “ prevent such Practices; and that if it should
 “ be discovered that any one, under a false
 “ Name, or any Kind of Collusion, had found
 “ Means to evade that Order, he should be sub-
 “ ject to an heavy Fine, proportionate to the
 “ Amount of the Farm, and the Farm should
 “ be re-let or made Khas; and if it should ap-
 “ pear that the Collector should have counte-
 “ nanced, approved, or connived at a Breach
 “ of that Regulation, he should stand, *ipso facto*,
 “ dismissed from his Collectorship: Neither
 “ should any European, directly or indirectly,
 “ be permitted to rent Lands in any Part of
 “ the Country.”

AND the said Warren Hastings says, that
 Contoo Bauboo, Banyan of him the said Warren
 Hastings, was accepted by the said President
 and Council, as the Renter, on his own Ac-
 count, of several considerable Farms, of Part
 of which he had been some Time, and before
 the Arrival of the said Warren Hastings in Ben-
 gal, in Possession; and that, in the Absence,
 and without the Knowledge of the said Warren
 Hastings,

Hastings, the said Contoo Bauboo was accepted by the said Council as Security for other Farms; but what was the Annual Amount thereof the said Warren Hastings cannot set forth: and he also admits that the said Contoo Bauboo was afterwards permitted by the President and Council, he the said Warren Hastings being such President, to relinquish Two of the said Farms; but the said Warren Hastings denies that in all or any of the Matters aforesaid he was guilty of any Violation of the said Regulations, or of the public Trust reposed in him, or of the Duty of his Station, as in the said Article is charged, or that he was in the whole, or any Part of the Transaction aforesaid, guilty of any Collusion with his Servant, or Fraud on the East India Company.

AND the said Warren Hastings admits that he was of Opinion, that Innovations in the Management and Collection of the Revenues of Bengal were in general liable to many of the Objections in the said Seventh Article, in that Behalf, set forth; and that he has upon different Occasions declared such to be his Opinion, and that the Court of Directors did, in the Year One thousand Seven hundred and Seventy-seven, declare their Apprehension that a sudden Transition from one Mode to another, in the Investigation and Collection of their Revenues in Bengal, might have alarmed the Inhabitants, particularly the Native Zemindars and Landholders, lessened their Confidence in the Stability of the Company, and been attended with other Evils; yet, as it was acknowledged on all Hands that the Measures alluded to
in

in that Letter produced the good Effect of ascertaining, with a sufficient Degree of Precision, what Revenue might be collected from the Country without Oppression, they should avail themselves of that Information, and were pleased to find it in their Power to yield proper Relief to the Natives, without involving the Company in the least Inconvenience. The said Warren Hastings however did consider it to be his Duty, and he did accordingly, from the Commencement of his Government, in the Year One thousand Seven hundred and Seventy-two, to the Year One thousand Seven hundred and Eighty-one, whilst he bore the several Offices of President and Governor General as aforesaid, introduce, and in concurrence with the Council carry into Execution, many different Measures, for the Purpose of improving the Mode of Settlement, Collection, and Management, of the Territorial Revenues of Bengal; but he denies that in the Introduction or Execution of such Measures he acted in such Manner, or that the said Measures were of such Nature, as in the said Seventh Article is stated.

AND the said Warren Hastings says, that he did, as President of the Presidency of Fort William, immediately after his taking Charge of the said Office, in April, One thousand Seven hundred and Seventy-two, in concurrence with the Council of the said Presidency, abolish the Office of Naib Dewan, or Native Collector of the Revenues, then existing, and at the same Time did appoint a Committee of the Board to go on a Circuit through the Provinces, and to form a Settlement of the Revenues for

Five Years; and that he did with the like Concurrence, and at the same Period of Time, continue the Company's Servants in the Management of the Collections, One of such Servants being left in each District under the new Title of Collector, instead of the former Title of Supervisor, and with some Alteration in the Nature of their Employment, adapted to the new System then established; and that he did, with the like Concurrence, and in the same Year, abolish the General Board of Revenue at Moorshedabad, for which last Measure such Reasons were assigned, amongst others, as are in the said Seventh Article in that Behalf mentioned.

AND the said Warren Hastings further says, that in November, One thousand Seven hundred and Seventy-three, with the like Concurrence, he transferred from the Collectors to several Councils of Revenue, commonly called Provincial Councils, the Collection and Management of the Revenues. And the said Warren Hastings admits, that he has declared an Opinion in favour of the Plan of Provincial Councils; but as to the particular Advice given by him to the Governor General and Council in his Minute of the Twenty-fifth of October, One thousand Seven hundred and Seventy-four, and the Declaration contained in the Plan for the future Settlement of the Revenues, transmitted to the Court of Directors on the Twenty-second April, One thousand Seven hundred and Seventy-five; and as to the Provisions contained in another Plan for the better Administration of Justice, transmitted to the Court of Directors on the Eighteenth January, One thousand

thousand Seven hundred and Seventy-six; and the Draught or Scheme of an Act of Parliament for the better Administration of Justice in the Provinces, transmitted to the Court of Directors on Thirtieth April, One thousand Seven hundred and Seventy-six, the said Warren Hastings humbly begs to refer your Lordships for the Contents of the said Minute, and the said several Instruments, to the said Minute and Instruments, when the same shall be produced; and that your Lordships will be pleased to take into Consideration the Occasion and the several Circumstances under which the same were respectively made.

AND the said Warren Hastings admits, that with the like Concurrence of the Council he did detach from the general Province of each Council certain Districts, which it was deemed expedient, for the better Management thereof, to form into separate Collectorships, and that some additional Expence was thereby created to the East India Company. But he denies that in so doing he did invade, alter, or violate the Principles on which the System of Provincial Councils was professedly founded; or that the said Measure was of the Nature, induced by the Motives, calculated for the Purposes, or productive of the Effects, in the said Seventh Article stated.

AND the said Warren Hastings denies, that he ever knew or believed the said Measure to be such as is represented in the said Seventh Article. And although he admits that he did in Council, on the Nineteenth January, One thousand Seven hundred and Seventy-nine, make use of

the Expression in the said Seventh Article in that Behalf set forth, yet he denies that he did thereby avow, or mean to avow, or had in fact been guilty of any Corruption, Breach of Trust, or Misgovernment; or did use any scandalous or criminal Justification of his Actions; or that he was guilty of any criminal Actions; or that he had reduced the Government to the State described in the said Seventh Article, or that he had for the Two Years preceding the said Nineteenth January, One thousand Seven hundred and Seventy-nine, or for any Part of that Time, possessed the absolute or uncontrolled Power of Government, by virtue of his casting Voice in Council, as in the said Seventh Article is stated.

AND the said Warren Hastings admits, that the Court of Directors did send Orders to the Governor General and Council, dated the Fifth of February, One thousand Seven hundred and Seventy-seven, in the Words, or to the Effect, in the said Seventh Article set forth. And he says, that early in the Year One thousand Seven hundred and Eighty-one, he did, as Governor General, in conjunction with Edward Wheler Esquire, then the only Member of Council remaining at Calcutta, establish a Plan for the Collection of the Revenues, and the Administration of civil and criminal Justice throughout the Provinces of Bengal and Bahar, a full Account of which Plan was immediately transmitted to the Court of Directors. And he admits that by such Plan the Provincial Councils were abolished: But he denies that the said Plan was in Disobedience of the Orders of the Court of Directors; or founded on any
false

false or contradictory Pretences; or that it was designed for, or applied to, any corrupt Purpose whatsoever; or that the said Warren Hastings endeavoured to deceive the said Court of Directors; or assigned false Reasons for abolishing the said Councils: Though he admits, that in a Letter from the Governor General and Council of Bengal, dated the Fifth May, One thousand Seven hundred and Eighty-one, and addressed to the said Court of Directors, it was affirmed, as the Truth actually was, that the Plan for superintending and collecting the Public Revenue of the Provinces, through the Agency of Provincial Councils, had been instituted for the temporary and declared Purpose of introducing another more permanent Mode, by an easy and gradual Change. But he says, that he does not conceive that such Affirmation is contradicted by any Opinion or Advice ever given by him on this Subject. And the said Warren Hastings denies, that in the said Letter to the Court of Directors, of the Fifth May, One thousand Seven hundred and Eighty-one, is contained any Affirmation in the Terms stated in the said Seventh Article, viz. That it had been always intended to introduce the Abolition of the Provincial Councils, by an easy and gradual Change; the Affirmation contained therein, relative to this Subject, being no other than is herein before stated. And he insists, that in the Year One thousand Seven hundred and Eighty-one, no preparatory Steps were necessary for the Introduction of the Plan then proposed, other than such as were actually adopted on that Occasion. And the said Warren Hastings denies that the said Plan was accomplished

complished by a single Act of Power of him the said Warren Hastings, the same having been regularly submitted to and approved by the only then remaining Member of Council. And the said Warren Hastings avers, that though the said Plan was formed before the yearly Collection was finished, yet the Execution thereof did not interfere in any Degree with the Collections of that Year, or the Recovery of the Balances. And the said Warren Hastings also says, that every proper Provision was made to prevent any Inconvenience being suffered by the Country from the Mode or Time of carrying the said Plan into Execution, and that no Inconvenience was occasioned thereby.

AND the said Warren Hastings, denying that he did arbitrarily or corruptly abolish the said Councils, admits, that it was a Part of the said Plan of One thousand Seven hundred and Eighty-one, that a Committee of Revenue at Calcutta, consisting of Four Persons, should be substituted in their Place, with such Powers as were necessary for the due Execution of the Trust reposed in them. And the said Warren Hastings admits, that the Governor General and Council did, on his Recommendation, appoint Four of the said Company's Servants to constitute the said Committee; all of whom were well qualified for that Station. But the said Warren Hastings denies, that such Measures were founded on Principles opposite to any which he had ever professed, or that the Powers thereby vested in the said Committee tended to deprive the Members of the Supreme Council of a due Knowledge of, or Inspection into,

into, the Management of the Territorial Revenues, or to vest the same in Effect solely and entirely in him the said Warren Hastings.

AND the said Warren Hastings admits, that the Governor General and Council did, on his Recommendation, appoint Ganga-Govin-Sing to be Dewan to the said Committee, believing him to be well qualified for that Office, which he admits to have been an Office of Power and Trust. But he denies it to have been in other Respects of such Nature as in the said Seventh Article is stated, or that the said Ganga-Govin-Sing was, or that the said Warren Hastings knew or believed him to be, of such Character as in the said Seventh Article is alledged.

AND the said Warren Hastings denies, that he did invest the said Committee of Four Persons with all the Powers and Authorities of the Governor General and Council, or that by placing the Management of the Revenue in the said Committee, under the Regulations prescribed by the said Plan, the Members of the Supreme Council were deprived of the Means of acquiring such Knowledge of the State of the Revenue Business as might enable them to execute the proper Duty of their Office, or to acquire any Knowledge thereof, without great Difficulty and Discouragement; or that the said Warren Hastings, in all or any of the Matters aforesaid, acted in Disobedience to the lawful Orders of the Court of Directors, or in Contempt or Defiance of an Act of Parliament of the

the Thirteenth Year of his present Majesty, as in the said Seventh Article is charged.

AND the said Warren Hastings admits, that in the Month of November, One thousand Seven hundred and Seventy-six, for the Purpose of obtaining accurate States of the real Value of the Lands, with which it appeared to him necessary that Government should be previously furnished, in whatever Manner it might be determined to form a new Settlement of the Provinces after the then approaching Expiration of the subsisting Leases, and also for the Purpose of pursuing many other useful Points of Enquiry, the said Warren Hastings did propose in Council, and a Majority of the Board did resolve, that a temporary Office should be constituted for the Execution of the said Business; and that a Number of Native Officers, under the Title of Aumeens, appointed by the said Board on the Recommendation of the said Warren Hastings, should be sent into the Provinces, for the Purpose of collecting such Accounts and Informations as had a Reference to the said Business. But the said Warren Hastings denies, that the said Aumeens were armed with such Powers as are in the said Seventh Article in that Behalf mentioned; or that they were accountable only to the said Warren Hastings himself, or that the said Warren Hastings was guilty of a Breach of his Trust or Duty in the Deputation or Appointment of the said Aumeens, or that he the said Warren Hastings had any Design or Wish thereby to draw into his own Hands the sole Ordering, Management,

ment, and Government of any of the Territorial Acquisitions and Revenues of the East India Company, or that any Allegation made by the said Warren Hastings, of the Purposes for which the said Aumeens were appointed, was false or pretended. And the said Warren Hastings denies, that he well knew, or ever was convinced in his Judgment or Opinion, as a general and unqualified Proposition, that there was not any Trust to be put in the Accounts delivered in by the Aumeens, or that no Dependence could be placed on that Mode of Enquiry, or that Aumeens were not to be trusted.

A N D the said Warren Hastings denies that he did assume to himself the Power of appointing, or that he did actually, by his own Authority, appoint the Persons who were employed in the Execution of the aforesaid Object, or that he did invest, or concur in investing them with such Powers as are in the said Seventh Article stated; but he admits it to have been his Duty to recommend Persons properly qualified for that Purpose. And the said Warren Hastings further says, that in order to assist the Persons to whom the principal Management and Superintendence of the aforesaid Enquiries were entrusted, the Governor General and Council did, on his Recommendation, appoint the aforesaid Ganga-Govin-Sing to the Office of Peshcar, whom he admits to have been once dismissed from an Office in the Revenue Department; but he says, that such Dismission was, in the Judgment of him the said Warren Hastings, improper and unjust; and that he the said Warren Hastings did consider the said Gan-

U

ga-

ga-Govin-Sing as better qualified than any other Person to fill the said Office of Peshcar. And the said Warren Hastings denies that he was, in respect of the said Appointment, guilty of any Neglect of Duty; or that such Appointment was to the Scandal of Government, or to the Encouragement of any Misbehaviour or Misconduct in Office, or that the said Warren Hastings knew or believed the Character of the said Ganga-Govin-Sing to be such as in the said Seventh Article is described.

A N D the said Warren Hastings admits that he was of Opinion that the granting of long Leases of the Lands was in many Respects better for the East India Company and the Inhabitants than Annual Settlements, which he has declared to have been often productive of such Consequences as are in the said Seventh Article in that Behalf set forth. And the said Warren Hastings also says, that the Committee of Revenue at Calcutta, to whom it was referred by the Governor General and Council in the Year One thousand Seven hundred and Eighty-one, to form a Plan for the Settlement of the Revenue for the ensuing Year, did, amongst other Things, report their Opinion, " That with respect to the Period of the Leases
 " in general, it appeared to the said Committee to limit them to One Year would be the
 " best Period, giving a Preference at the Settlement of the next to such Persons as should
 " have paid up their Rents, and making a
 " Promise of this on the Part of Government." And the said Warren Hastings says, that the Governor General and Council, he being Go-

vernor General, did for the most Part approve of such Report; but the said Warren Hastings denies that in giving such Approbation he did neglect his Duty, or disregard the Interest of the East India Company, and the Ease and Welfare of the Inhabitants, or contradict any of his own Professions or Declarations, or that he did not hold himself bound or restrained by the Orders of the Court of Directors. And the said Warren Hastings denies that he did exercise his Discretion for any partial, interested, or corrupt Purpose, or that he did for any partial, interested, or corrupt Purpose, grant any perpetual Lease whatsoever; but the said Warren Hastings says, that he did, in the Year One thousand Seven hundred and Seventy-nine, concur with the Board in confirming the Zemindary of Baharbund to Lechnant Num-dee, Son of Contoo Bauboo, on a Mocurrary Lease; and he admits that the said Contoo Bauboo was the Banyan of him the said Warren Hastings, but he denies that such Sunnud was granted in such Manner, or for such Purposes, as are in the said Seventh Article set forth, or that the same was granted upon improper Terms, the Rent which the said Zemindar was by the said Sunnud bound to pay having been fixed at the Sum deemed equivalent to the real Annual Value of the said Zemindary. And the said Warren Hastings denies, that in all or any of the Transactions or Matters aforesaid, he did, either as President of the Presidency of Fort William, or as Governor General, corruptly or wilfully proceed, in Violation of his Duty to the East India Company, in Disobedience to their Orders, or to the Loss or Damage of their Re-

U 2

venues,

venues, or in Defiance or Contempt of any Act of Parliament, or to the Vexation, Oppression, or Destruction of the Inhabitants of Bengal, or in Contradiction or Perversion of his own declared Sense of Duty and true Policy, or to the Scandal or Reproach of the British Government in India; or that in all or any of the said Transactions the said Warren Hastings was or is guilty of any Crime or Misdemeanour whatsoever.

EIGHTH ARTICLE.

AND the said Warren Hastings, in Answer to the said Eighth Article, admits, that a certain Territory, known by the Name of the Subah of Oude, was, on or about the Year One thousand Seven hundred and Sixty-four, governed by the Nabob Vizier Shuja Dowla, and that the said Shuja Dowla was defeated in Battle, and expelled from his Dominions, by the Arms of the East India Company: That he was afterwards, in the Year One thousand Seven hundred and Sixty-five, under the Authority of the Company, restored to his Government, and being so restored, in or about the Year One thousand Seven hundred and Seventy-three, did enter into a Treaty with the East India Company, called the Treaty of Benâres: But the said Warren Hastings denies that the said Company did thereby make such Agreement as in the said Eighth Article is stated; the said Treaty professing only to regulate the Terms
upon

upon which the Expences of the Company's Troops should be defrayed, in case the same should march to the Assistance of the said Vizier.

AND the said Warren Hastings admits, that the said Vizier did, by the Assistance of the East India Company's Forces, as also in consideration of Money to them paid, or agreed to be paid, obtain several large Accessions to his Dominions; namely, the Territories of Rohilcund, Corah, Currah, and Allahabad, but not the Duab, which was not obtained in consideration of any Money to them paid, although the same was obtained by the Vizier's own Forces, under the general Influence of British Support.

AND the said Warren Hastings further admits, that the said Shuja Dowla, in or about the Month of February, One thousand Seven hundred and Seventy-five, died possessed of the Territories aforesaid, and that his Son Assof o' Dowla thereupon became possessed of the same, and by means of the Influence of the East India Company, co-operating with other Causes, did obtain a Grant of the Dignity and Authority of Vizier, which his Father had possessed; and that the said Assof o' Dowla was supported in the Possession and Dignity aforesaid by the Power and Influence of the East India Company; and that he did, on the Twenty-first of May, One thousand Seven hundred and Seventy-five, make a new Treaty with the East India Company, whereby, as well the Particulars of which a Brigade should consist, as the Charges thereof, were regulated.

AND

AND the said Warren Hastings admits; that the said Vizier did afterwards consent to take other Bodies of Troops belonging to the Company into his Pay. And the said Warren Hastings denies, that the said Affof o' Dowla did become a Dependant on the East India Company, to the Extent, or in the Manner, suggested in the said Article, or that the English Name and Character were concerned in every Act of his Government, or that the Influence and Power of the Governor General and Council of Fort William, was, mediately or immediately, sufficient to, or employed for, all Acts of Authority within the said Province of Oude, and its Dependencies.

AND the said Warren Hastings denies, that the Governor General and Council were bound to provide for the internal good Order or Prosperity of those Provinces, although he admits they were bound, as far as in them lay, to take proper Measures for preventing the Troops kept up as aforesaid from becoming a Grievance to the Country which they were intended to protect: But the said Warren Hastings denies, that it was the bounden Duty of the said Governor General and Council, to take care that the Ease, Security, and Honour of the Prince and his Family, should be consulted and provided for, otherwise than as any Acts of the East India Company, or their Servants, might affect the same; but he admits that it was contrary to the Duty of the said Governor General and Council, and of every of them, to countenance, authorize, or direct any Acts of Oppression or Peculation within the said Provinces.

Provinces. And the said Warren Hastings denies, that such Alteration has happened in the Condition of the Province of Oude, and the Territories added thereto since the Period of British Interference therein, as is stated in the said Article; or that the said Company were bound to the good Government of the Countries supposed to be referred to in the said Article, or that the ill State of Things therein, supposing such ill State thereof to have existed, was at all owing to any Acts or Neglects of him the said Warren Hastings, or his Agents. And the said Warren Hastings, disavowing such base and corrupt Views, as by the said Eighth Article are imputed to him, denies that he did maliciously, or against his Duty, or upon, or soon after, or in any Manner in consequence of such Representation which he admits to have been received by the Governor General and Council from the then British Resident Bristow, as stated in the said Article, remove the said Bristow from his Office of Resident aforesaid: For the said Warren Hastings says, that Fifty-one Days before the Date of such Representation, (that is to say) on the Second of December, One thousand Seven hundred and Seventy-six, it had been resolved by the Governor General and Council, that the said Bristow should be, and the said Bristow had accordingly been, recalled from the Court of the Nabob of Oude; and he insists that such Recal was not contrary to the standing Orders of the Court of Directors, and that the same was warrantable and expedient. And the said Warren Hastings denies, that he did wilfully neglect to take any Measures which his Duty required him to take relative to the Matters contained

contained in that Representation; and as to the Appointment of the said Mr. Middleton to the said Office of Resident and Collector of the Company's Assignments in the Province of Oude, in the Eighth Article mentioned, the said Warren Hastings denies that such Appointment was made under the Influence of such Motives, or preceded by such Conduct on the Part of the said Warren Hastings and the said Middleton, or either of them, or that the said Middleton was a Person of such Character and Description as are stated in the said Eighth Article. And he farther says, that such Appointment was made by the Governor and Council, and not by the sole Authority of the said Warren Hastings; and that the Appointment of the said Middleton, thus made, was, in the then Situation of the Company's Government in Bengal, fit and expedient to be made. And the said Warren Hastings further says, that such Instructions were upon that Occasion given to the said Middleton for the Discharge of the Duties of his said Office as were proper and necessary for that Purpose. And the said Warren Hastings says, that the said Nabob Vizier did, in or about the Month of November, One thousand Seven hundred and Seventy-nine, address certain Requisitions to the Government of Bengal, accompanying the same with a Representation touching the Subjects in the said Eighth Article mentioned; and that, at the same Time, another Account was sent from the then late Resident at Oude: But for the Particulars of such Representations, the said Warren Hastings craves Leave to refer to the same, when they shall be produced in Evidence. And he

he further says, that upon taking the said Requisitions of the said Vizier into Consideration, the Governor General and Council, the said Warren Hastings being then Governor General, did not deem it fit or expedient, in the then Situation of Affairs, to comply therewith. And the said Warren Hastings, craving Leave also to refer to the Minutes delivered in by him on that Occasion, on the Thirteenth and Fifteenth December, One thousand Seven hundred and Seventy-nine, denies that they are of the Nature or Tendency stated in the said Eighth Article, or that either in respect of those Minutes, or in any Part of the Conduct of the said Warren Hastings in the Matters aforesaid, the said Warren Hastings did use any false Pretences whatsoever, or that he was influenced by the Motives, or aimed at the Accomplishment of the Purposes, or was guilty of any of the improper Acts, in the said Eighth Article stated. And the said Warren Hastings admits, that he did attribute the Distresses of the Country, which disabled the said Vizier (not Shuja Dowla, as stated in the said Article, but Affof o' Dowla, the present Vizier) from maintaining the Establishments by him complained of, to the Vices of the said Vizier's own Character, which had influenced his Government: But the said Warren Hastings says, that no effectual Measures could be pursued by him for correcting the Vices of the said Nabob's Government. And the said Warren Hastings admits, that he did write a Letter to Edward Wheler Esquire, of the Date and upon the Subject in the said Article mentioned; and that he did in that Letter, and at other Times, declare his

X

Opinion

Opinion of the Disadvantages resulting from the keeping up of certain Military Establishments in the Country of Oude, and of the Convenience which would be produced by the Reduction of the same : But the said Warren Hastings denies that he did, either before or after any of the several Times when he declared such Opinion as aforesaid, ever receive any Bribe or Bribes from the said Nabob Vizier, or his Ministers. And the said Warren Hastings admits, that the said Nabob Vizier did, by Letters of those Dates to the then Resident Mr. Purling, make certain Representations upon the State of his Finances : But the said Warren Hastings denies it to be true, that no Relief was attempted to be given by him the said Warren Hastings, or that none was in fact given, to the said Nabob on the said Subject. And the said Warren Hastings says, that the Board did, upon the Recommendation of him the said Warren Hastings, make such Arrangement for the Accommodation of the said Vizier as was then practicable and expedient. And the said Warren Hastings admits that he did, in a Minute entered upon the Bengal Consultations of the Twenty-second of May, One thousand Seven hundred and Eighty-one, give his Opinion in Writing in the Terms stated in the said Article : But the said Warren Hastings denies that he had ever been, or was, guilty of any criminal Neglect or Refusal to afford timely Relief to the Distresses of Oude, or that he ever did refuse such timely Relief, when it was in his Power to have afforded the same ; or that he did by that Minute, or in any other Manner, confess he had been so guilty ; or that he did

confess that any such Effects had been produced by such his supposed Refusal as are stated in the said Article.

NINTH ARTICLE.

AND the said Warren Hastings, in Answer to the said Ninth Article, denies that he did ever drive any Persons to such Distress as he thought might oblige them to offer Bribes to him for their Ransom, or that he did ever entertain any such Design or Thought; and he further denies that he did suddenly and corruptly alter his Language, as in the said Ninth Article is stated; but he says that he did, in his Minute of the Twenty-first of May, One thousand Seven hundred and Eighty-four, at which Time a material Alteration had happened in the Situation of Affairs, with regard to Foreign Wars and Enemies, from that in which they stood on the Thirteenth and Fifteenth Days of December, One thousand Seven hundred and Seventy-nine, make such Representation of the State of the Province of Oude, as in the said Ninth Article is mentioned; and that he did thereupon propose in Council, himself and Mr. Wheler being at that Time the only Members present at the Board, a Delegation to himself, containing, as the said Warren Hastings affirms, Powers neither new, dangerous, or exorbitant, such Powers being delegated for the Purpose, amongst others, of assisting the Nabob Vizier in forming such Regulations as might be necessary

cessary for the Peace and Order of his Government, the Improvement of his Revenue, and the Adjustment of the mutual Concerns subsisting between him and the Company, with such Authority to enforce the same as the Governor General and Council might or could exercise on Occasions in which they would be warranted to exercise the same, by the Claims which the Honourable Company held or might have on the Revenues of the Dominions of the said Nabob, and to form and conclude such several Engagements or Treaties with the Nabob Vizier, the Government of Berar, and with any other of the Chiefs and Powers of Hindostan as he should judge expedient and necessary, whether for the Termination or more effectual Prosecution of the War with the Maratta State, or for the Advancement of the Interests of the Honourable Company, or for the strict and permanent Establishment and Confirmation of the Alliances which did then subsist, or which he, the said Warren Hastings, should judge necessary to form with the said Chiefs and Powers respectively. And the said Warren Hastings further says, that the Instrument of his Delegation did also declare that all such Acts, and all such Engagements or Treaties made as aforesaid, should be binding on the Governor General and Council, in the same Manner, and as effectually as if they had been passed and done by the special and immediate Concurrence and actual Sanction of the Governor General and Council, in Council assembled.

AND the said Warren Hastings denies that the Commission thus given to the said Warren Hastings

Hastings was destructive of the Constitution of the said Council, contrary to the standing Orders of the East India Company, or to the Act of the Thirteenth of his present Majesty, in the said Ninth Article mentioned. And the said Warren Hastings denies that he did ever conceive or understand that the said Commission was illegal; but he says that he did, on the Third July, One thousand Seven hundred and Eighty-one, and not on the Third July, One thousand Seven hundred and Eighty-three, as in the said Article is stated, deliver in a Minute, of which the following is a Copy: “ In my
 “ Minute, which I laid before the Board on
 “ Twenty-first May, I expressed the Satisfac-
 “ tion with which I could at this Juncture
 “ leave the Presidency, from the mutual Con-
 “ fidence which was happily between Mr.
 “ Wheler and me. I now readily repeat that
 “ Sentiment, and observe with Pleasure, that
 “ Mr. Wheler confirms it. Before my De-
 “ parture it is probable that we shall in Con-
 “ cert have provided at the Board for almost
 “ every important Circumstance that can event-
 “ ually happen during my Absence; but if any
 “ should occur, for which no previous Provi-
 “ sion shall have been made in the Resolution
 “ of the Board, Mr. Wheler may act with
 “ immediate Decision, and with the fullest
 “ Confidence of my Support, in all such Exi-
 “ gencies, as well as in conducting the ordinary
 “ Business of the Presidency, and in general in
 “ all Matters of this Government, excepting
 “ those which may specially or generally be
 “ intrusted to me. Mr. Wheler, during my
 “ Absence, may consider himself as possessed of
 “ the

“ the full Powers of the Governor General and
 “ Council of this Government, as in Effect he
 “ is by the Constitution; and he may be
 “ assured, that so far as my Sanction and
 “ Concurrence shall be, or be deemed necessary
 “ to the Confirmation of his Measures, he shall
 “ receive them.” And he denies that he delivered in the said Minute with any of the Views or Motives in the said Article stated, or that the same is of the Nature or Tendency therein set forth,

AND the said Warren Hastings denies that the Acts done by him, in his Negotiations with the Vizier, in virtue of the aforesaid Commissions, all which he avers to have been legal and justifiable, could have been equally well done, or with less Question as to their Validity, by the British Resident at the Court of Oude, or by any other Person deputed by the said Warren Hastings. And the said Warren Hastings denies that he was guilty of any unwarrantable Assumption of Power, or that the Power exercised by him was unconstitutional or irregular, foreign to his Duty, or unnecessary for any good or legitimate Purpose, or that he attempted to enforce or cover the same by any intricate and subtle Devices, or that he did in any Manner discredit the Office of Governor General or the British Government.

AND the said Warren Hastings admits, that he did proceed to meet the said Vizier in consequence of the said Commission, at a considerable Charge. But the said Warren Hastings denies, that any unnecessary Charge
 to

to the East India Company was incurred upon that Occasion. And the said Warren Hastings, as to the said supposed Gift or Bribe of One hundred thousand Pounds in the said Ninth Article mentioned, craves Leave to refer to his Answer in this Behalf already made. And the said Warren Hastings admits, that he did, on the Nineteenth of September, One thousand Seven hundred and Eighty-one, at a Place called Chunar, enter into the said Treaty or Agreement, commonly called the Treaty of Chunar, in which he did consent to certain Propositions for relieving the said Nabob Vizier from the Charge of certain large Bodies of Troops, then in the Pay of him the said Nabob Vizier; and for the Particulars of the said Propositions the said Warren Hastings craves Leave to refer to the said Treaty, when the same shall be produced. But the said Warren Hastings denies that he did, at any Time after making the said Treaty, violate his own or the public Faith, by putting Troops on the Establishment of Oude in the Manner, or under the Circumstances, stated in the said Ninth Article; but the said Warren Hastings says, that in consequence of certain Representations made to him by the then Resident at Oude of the Necessity of reinforcing the Troops in that Country, a Detachment of Four Regiments of Sepoys, with a proper Field Train, was ordered to march for the Purpose of supporting the Authority of the Vizier, and maintaining the Tranquillity of his Country, by such Means as the said Vizier should be pleased to direct. And the said Warren Hastings further says, that he did, in a Letter dated Twenty-fourth December, One thousand

thousand Seven hundred and Eighty-one, addressed by him upon that Occasion to Mr. Middleton, then Resident at Oude, suggest, that as the Force thus meant to be employed for the domestic Tranquillity of the Vizier's Dominions, was an Addition to the Brigade on Subsidy, and which was ordered to be in Readiness for marching at the shortest Notice to defend any Part of his Excellency's Territories which a foreign Enemy might be tempted to invade during civil Commotions, the Vizier would, the said Warren Hastings made no Doubt, cheerfully consent to pay the Expences of the Detachment, by a fixed monthly Subsidy during the Service. And the said Warren Hastings says, that upon a Representation thereupon made to him, that the March of such Detachment, under the Circumstances stated, would, it was believed, be contrary to the Inclination of the said Vizier, and understood by him as an Infraction of the Treaty of Chunar, and be construed a Replacing of the Troops which it had been agreed to recal, the said Warren Hastings did afterwards, by another Letter to the said Middleton, dated Third January, One thousand Seven hundred and Eighty-two, revoke the said Orders; and the said Orders were never carried into Execution: But the said Warren Hastings says, that afterwards, upon receiving various Representations of the disordered State of the Vizier's Dominions, the Board, in the Absence of the said Warren Hastings, resolved and ordered, in the Month of September, One thousand Seven hundred and Eighty-two, that a strong Detachment, under Colonel Sir John Cummings, should march into the Dominions of the Na-
bob

bob Vizier, both for its internal Defence, and for the Relief of the Detachments which had been made from the Army stationed at Cawn-poor; and the Board were informed, by a Letter from Mr. Bristow, then Resident at Oude, dated the Twelfth of December, One thousand Seven hundred and Eighty-two, that the Nabob had expressed his entire Conviction of the Necessity for the said Detachment, and that the Vizier would approve its being stationed in his Dominions; and the same was stationed there accordingly. And the said Warren Hastings says, that it was provided by the First Article of the Treaty of Chunar, amongst other Things, that the English Officers, with their Sebundy Battalions, and other Gentlemen, excepting the Resident's Office then upon the Nabob's List, should be no longer at his Charge for the then current Year, the Arrears being paid up, with the Addition of Two Months Allowances. And the said Warren Hastings denies, that he did disregard any Engagements entered into by him on the Part of the East India Company, or pursue any corrupt Purpose, or that he did in any Manner impose, or knowingly suffer to continue, any Pensions or Allowances over and above those specially provided in the said Article of the said Treaty, or use any deceitful Pretence respecting such Subject, or that he did make any such Confession relative thereto, as in the said Ninth Article is set forth.

TENTH ARTICLE.

IN Answer to the Tenth Article, the said Warren Hastings says, that by the Second Article of the Treaty of Chunar, reciting that great Distress had arisen to the Nabob's Government from the Military Power and Dominion assumed by the Jaghiredars, for Remedy thereof it was provided, that the Nabob should be permitted to resume such as he might find necessary, with a Reserve, that all such, for the Amount of whose Jaghires the Company were Guarantees, should, in case of the Resumption of their Lands, be paid the Amount of their net Collections through the Resident in ready Money. And the said Warren Hastings says, that the said Nabob conceiving the Authority and Influence of the Jaghiredars in the Jaghire Districts to be the Cause Disorders in his Government, and entertaining Suspicions of the Fidelity of some of the said Jaghiredars, and intending to reduce the said Jaghires to their original Value, had proposed of his own Accord, and without any Interference of the said Warren Hastings, to resume the said Jaghires without any Exception whatsoever, which Intention having been communicated to the said Warren Hastings, he had approved thereof.

AND the said Warren Hastings says, that he was afterwards informed that the said Jaghires

hires were universally resumed by the said Vizier, which Resumption he believes to have been a warrantable and proper Measure; but he denies that it was under any Compulsion made use of by him or by any Person by him authorized thereto. And the said Warren Hastings further denies, that the said Vizier had made any such Seizure of the said Jaghires, or had entered into such Obligations, or had given such Assurances, as in the said Tenth Article are stated; but he has been informed, that during the Residency of Mr. Purling, the said Nabob having taken a Sum of Money to relieve his Distresses from Two Persons, named Murza Alli Khan and Sallar Jung, the said Nabob Vizier did engage to repay the Sum taken as aforesaid, and further, that the same should not be done in future.

AND the said Warren Hastings admits, that some of the said Jaghires resumed as aforesaid, were at the Time of such Resumption possessed by Persons of the Description in the said Article stated; but whether the same were of the Value in the said Article stated he cannot say, but he has heard that the Lands out of which the said Jaghires were paid did yield more than the Amount of such Jaghires, which Surplus did of Right belong to the said Vizier. And the said Warren Hastings says, that he does not know or believe that the Persons whose Jaghires were resumed in Manner aforesaid, were thereby reduced to such Distress as in the said Article is stated, or that such other Consequences did follow from the said Measure as are therein also set forth.

AND the said Warren Hastings further says, that the Nabob Vizier did signify to him the said Warren Hastings, his Wish to restore certain of the said Jaghires; but he denies that the said Vizier did signify a Wish to restore all the said Jaghires, as in the said Article is suggested, or that Applications were made on that Subject by the said Vizier for a long Time without Effect; but he says, that the Approbation of the Board of Council was given to that Measure soon after the aforesaid Applications from the said Vizier, and that the said Jaghires were fully restored by the said Vizier.

ELEVENTH ARTICLE.

IN Answer to the Eleventh Article, the said Warren Hastings says, that at the Time of executing the Treaty of Chunar, he did propose to the Vizier a certain Article, which he conceives to be the one referred to in the said Eleventh Article of Impeachment, and of which the following is a Copy:

“ HAVING on my Behalf agreed to the
 “ Requisitions of the Nabob Vizier, without Dimi-
 “ nution or Reserve, I must now repeat the Re-
 “ quest which I before verbally made to him,
 “ that he will be pleased to attend to such Pro-
 “ posals as I shall have to make to him, and
 “ to those I expect his Assent the more readily,
 “ as they have for their ultimate Object his
 “ Interest alone, that of the Company being no
 “ further

“ further concerned than in the Interest which
 “ they will eventually have in the Payment of
 “ the Debt due from the Nabob to the Com-
 “ pany. I therefore recommend to him to
 “ reduce the great Number of his Sebundy and
 “ other Troops to regular and complete Esta-
 “ blishments, not to be paid by Assignments of
 “ Revenues, but in Money from the Treasury,
 “ and their Number not to exceed the certain
 “ Means of paying them: But as this may be
 “ difficult without making a Separation of the
 “ Nabob’s public and private Funds, I fur-
 “ ther recommend, that he receive into his
 “ private Purse no more than a fixed monthly
 “ Sum for the Expences of his Person and
 “ Household, and that the Remainder of the
 “ net Collections be left in a public Treasury,
 “ under the Management of his public Mini-
 “ sters, and the Inspection of the Resident, for
 “ the Discharge of his Military and Civil Dis-
 “ bursements. This Advice is not meant to
 “ affect the Assignments actually made, and
 “ which must be annually renewed, for the Pay-
 “ ment of the past Debt and the current De-
 “ mands of the Company.”

AND the said Warren Hastings further says,
 that the said Nabob did assent to the said last-
 mentioned Article, and did execute the same.
 And he denies that the said Article is or was
 intended to be worded in loose and ambiguous
 Terms, or that he did ever represent it in that
 Light, or to that Effect, in any Letter written
 by him to Edward Wheler Esquire. But he
 says that he did write a Letter concerning the
 said Treaty to the said Edward Wheler, con-
 taining

taining a Paragraph, of which the following is a Copy, and which he conceives to be alluded to in the said Eleventh Article:

“ TO the Copy of the Articles of Agree-
 “ ment, Number One, I have added the Pa-
 “ pers, Number One, A, B, C, which will
 “ explain my Reasons for the several Articles,
 “ and to these I beg leave to refer you. Upon
 “ the whole, generally, I have only to observe
 “ further, that the Agreement was drawn up
 “ from a Series of Requisitions presented to me
 “ by the Nabob, to whom I was happy in the
 “ Occasion of making such a Return, for the
 “ uncommon Instance of Fidelity and Attach-
 “ ment which he has recently shewn to our
 “ Government, by an instant and unqualified
 “ Assent to each Article. This was done ver-
 “ bally in his Presence; and in like Manner
 “ I requested and obtained his Acquiescence in
 “ the short Condition which followed mine. I
 “ considered the Subjects of his Requests as
 “ essential to the Reputation of our Govern-
 “ ment, and no less to our Interest than his;
 “ and, if the Resident performs his Duty in
 “ the Execution of my Instructions, the Na-
 “ bob's Part of the Engagement, by a singu-
 “ lar Inversion of their Purposes in both In-
 “ stances, will prove of still greater Benefit to
 “ him than to our Government, on whose Be-
 “ half it was exacted.”

AND the said Warren Hastings denies, that he knew, or had heard, at or before the Time of executing the said Treaty, that the said Vizier considered the said last-mentioned Article to be

be such as in the said Eleventh Article of Impeachment is stated; neither did the said Vizier, to the Knowledge of the said Warren Hastings, withhold his Assent from the same, or decline to put his Seal thereto. And the said Warren Hastings further denies, that any Person or Persons had Authority from him to give the said Nabob such Assurances as in the said Eleventh Article are stated, nor did the said Warren Hastings hear or know, either before the Execution of the said Treaty, or at the Time thereof, when the said Warren Hastings admits he was present, that such Assurances were given. And the said Warren Hastings, denying that he did ever meditate any perfidious Acts, says, that on the Twenty-third of September, One thousand Seven hundred and Eighty-one, he did write a Letter to Nathaniel Middleton Esquire, then Resident at the Court of the said Vizier, in which he gave certain Instructions for carrying the said Article of the Treaty of Chunar into Effect; but he denies that the said Letter did contain Directions, in the Terms, or to the Effect, in the said Eleventh Article of Impeachment stated. And the said Warren Hastings admits, that the said Nathaniel Middleton did, in sundry Instances, carry the said Instructions into Effect.

AND the said Warren Hastings denies, That the Mode of conducting the said Treaty, or the subsequent acting thereon, so far as the said Warren Hastings was in any Manner concerned therein, was of the Nature, or had the Tendency, stated in the said Eleventh Article.

AND

AND the said Warren Hastings denies, that he did ever destroy, or conceal, or withhold, or cause to be withheld, from the Court of Directors, the original Papers and Documents, on the Matter of which the said Treaty was made, or the original Treaty itself.

TWELFTH ARTICLE.

IN Answer to the Twelfth Article, the said Warren Hastings says, that in or about the Month of September, in the Year One thousand Seven hundred and Seventy-five, in consequence of a Letter received at the Board from John Bristow Esquire, then Resident at the Court of the Nabob Vizier, communicating a Request from the said Nabob to be furnished with English Officers to Six Battalions of Seapoys, as well as with a Corps of Artillery and Cavalry in Proportion, and containing various Reasons in favour of the said Measure, the Governor General and Council, he the said Warren Hastings being Governor General, did unanimously resolve to comply with the said Request, and to adopt a Plan proposed by General Clavering for the Formation and Regulation of Troops in the said Vizier's Service, and the Appointment of British Officers thereto agreeably to the said Request, of which Measure the said Vizier was duly informed. And the said Warren Hastings further says, that at the Time of the said original Establishment, he neither was nor did pretend to be of Opinion

nion that the Appointment of British Officers to command the Troops of the said Nabob was in any Respect a pernicious Measure; but he did entertain and declare an opposite Opinion, and did enter the same on the Consultations of the Board of Council. And the said Warren Hastings says, that afterwards, that is to say, on or about the Fifth Day of May, One thousand Seven hundred and Seventy-seven, on submitting to the Board a Plan for a different Military Establishment, he did state his Opinion, that certain Evils had been found by Experience to result from the said Establishment, made in the Year One thousand Seven hundred and Seventy-five. And the said Warren Hastings further says, that on or about Twenty-fourth September, One thousand Seven Hundred and Seventy-seven, Application was made to the said Board by the said Nabob Vizier, stating that he had determined to keep on foot Three Battalions, Part of a Force of Twelve Battalions then serving under the Command of Colonel Goddard, and which he had before proposed to have disbanded, for the Purpose of collecting the Revenue, and requesting that Major Hannay, with Two or Three Officers, might be sent to take Charge of the aforesaid Battalions. And the said Warren Hastings further says, that the Board did unanimously resolve to comply with the said Request; and likewise that Major Hannay, together with the Captains Lumsdaine and Balfour, should be sent to take the Command of the said Troops. And the said Warren Hastings further says, that on or about the Twelfth January, One thousand Seven hundred and Seventy-eight, a Plan was submitted to the

faid Board by Major Osborne, in the faid Article mentioned, for the Establishment of a subsidiary Battalion to the Corps commanded by the faid Major Hannay as aforesaid; and the faid Major Osborne did at the same Time state various Reasons in support of the faid Measure. And the faid Warren Hastings says, that for the same and other Reasons, which he was then and is now convinced were good and sufficient, the faid Board did, on the Motion of the faid Warren Hastings, resolve to recommend the General Plan proposed as aforesaid to the faid Vizier; and that the faid Major Osborne should be appointed to command the faid Battalion. And the faid Board did at the same Time resolve to recommend to the faid Vizier to disband a proportionate Number of the Native Forces in his Employment to make a Diminution of Expence equal to such Establishment, and of which Recommendation the faid Vizier was duly apprized. And the faid Warren Hastings says, that the faid Board were afterwards informed that the faid Nabob did object to the faid Plan; but the faid Major Osborne not having been apprized thereof, did write a Second Letter to the faid Board, stating other material Reasons in Addition to those before offered in favour of the faid Measure, and further urging the Prosecution thereof.

AND the faid Warren Hastings further says, that, being of Opinion that the Reasons for which the Board had recommended the faid Measure did operate much stronger at the Time of the Receipt of the faid Second Letter as aforesaid than when the faid Measure was originally

ginally brought forward, he did propose in Council that the Recommendation should be repeated to the said Nabob; and the Resident ordered to support it. And the said Warren Hastings further says, that the said Proposal being taken into Consideration at the said Board, Richard Barwell Esquire, then a Member of the said Board, did intirely approve thereof, and Edward Wheler Esquire, then also a Member of the said Council, did express himself as follows :

“ I think the additional Reasons now urged by
 “ the Governor (meaning the said Warren
 “ Hastings) for raising a Corps of Infantry,
 “ may, with Propriety, be represented by Mr.
 “ Middleton to the Vizier; as he has already
 “ rejected the former Proposition, I think it
 “ should be left intirely to his Discretion whe-
 “ ther to carry the present into Execution or
 “ not;” and Philip Francis Esquire, also a
 Member of the said Council, did express
 himself as follows: “ As Mr. Middleton in-
 “ forms us, the Nabob has thought proper to
 “ reject the Plan altogether, I think there would
 “ be an Impropriety in our pressing him to adopt
 “ it.” And the said Warren Hastings further
 says, that it was agreed by the said Board to
 write again to the said Nabob in Recommendation
 of the said Plan, stating the additional
 Arguments in favour of it; and further, that
 a Letter should be written to the said Middleton
 to support the said Recommendation by such Ar-
 guments in support of it as might tend to insure
 its Success; which being accordingly done, the
 said Vizier did agree to adopt the said Plan.
 And the said Warren Hastings denies the same
 to have been iniquitous, without Colour, or

oppressive, or that in all or any of the Matters aforesaid, he did act contrary to his Duty or his Conscience, or against his Opinion of what was conducive to the Good of the Service. And the said Warren Hastings further says, that the Governor General and Council were informed, that the actual Expence of the Company's temporary Brigade, and the Charge of the aforesaid Corps in the Service of the Vizier, under the Command of British Officers, did, in the Year One thousand Seven hundred and Seventy-nine, exceed the Estimates which had been made of those Expences; but the said Warren Hastings denies that he was guilty of any wilful or criminal Neglect in respect to any Enquiries proper to have been made, or Measures fit to have been adopted on that Subject. And the said Warren Hastings denies, that any Complaints were transmitted to the Board, or to him the said Warren Hastings, against the Corps under the Command of Major Osborne, in the Manner stated in the said Twelfth Article. And the said Warren Hastings says, that some Time after the said Corps had been disbanded, Representations having been made to the said Board, by the said Nabob and by the Company's Resident, that the Establishment of Native Troops in his Service was unequal to the Purpose of effectually securing the Collections, and that this could be effected by Troops under British Officers, the said Warren Hastings did, for the above and for other good and sufficient Reasons, move, that it should be recommended to the said Vizier to re-establish the Corps lately commanded by the said Major Osborne, and to give the Command thereof to
 Captain

Captain Clarke, in the said Article mentioned, and to which Motion the Board accordingly agreed. And the said Warren Hastings further denies that he did, as in the said Article is alleged, cause a Battalion of Soldiers, under British Officers, commanded by Captain Polhill, or any other Officer, to be put upon the Establishment of the said Vizier, or that the said Corps was ever, during the Time the said Warren Hastings continued Governor General, put upon the said Establishment.

THIRTEENTH ARTICLE.

AND the said Warren Hastings, in Answer to the Thirteenth Article, admits, that he was bound substantially, and with good Faith, to obey the Orders of the Court of Directors of the East India Company; but the said Warren Hastings denies, that any such prohibitory Orders respecting military Officers were given by the said Court of Directors, as in the said Article are stated. And the said Warren Hastings says, that there did exist a Treaty of Alliance, offensive and defensive, between the said Nabob Vizier and the East India Company; but he denies, that the Dominions of the said Nabob were in a State of Dependance on the said Company, or those who exercised their Authority. And the said Warren Hastings says, that the said Company had an Interest in the Prosperity of the Territories of the said Nabob of Oude, and

and in that of the Provinces immediately under their Jurisdiction; and that the said Warren Hastings was bound to attend thereto, and to abstain from any Act which had a Tendency to the Prejudice thereof: But denying that he entertained any such Intentions and Views as are in the said Thirteenth Article stated; or that he did by his own Influence and Power establish the Corps under Lieutenant Colonel Hannay, in the said Nabob Vizier's Service, or did in any Manner originally appoint or introduce the said Hannay to that Service; the said Warren Hastings says, that the said Lieutenant Colonel Hannay was permitted to enter into the said Vizier's Service, in consequence of a particular Request contained in a Letter received from the Vizier on the First of June, One thousand Seven hundred and Seventy-seven, wherein the said Vizier did express himself as follows: " Major
 " Hannay is a Gentleman of great Understand-
 " ing, Worth, Quickness of Conception, and
 " nice Penetration, and one of the old Friends
 " of the late Nabob, who, being acquainted
 " with his Abilities, had the highest Regard for
 " him; as he is moreover a Gentleman very
 " much in my Favour, I am very desirous of
 " having him with me, as the intimate and
 " inseparable Union which subsists between us
 " makes us desirous, on every Occasion, of
 " giving Pleasure to each other; I therefore
 " take the Liberty of requesting, that, avoid-
 " ing all Appearance of Distinction between
 " us, you will permit Major Hannay to repair
 " to me, and continue with me." And the said Warren Hastings says, that in another Letter received from the said Vizier on the First of
 7 Septem.

September, One thousand Seven hundred and Seventy-seven, is contained as follows : “ Three
 “ of the Twelve Battalions under Colonel God-
 “ dard, which I proposed to have disbanded,
 “ I have now determined to keep on foot, for
 “ the Purpose of collecting the Amount of the
 “ Tunkas to the English. These I have placed
 “ under the Orders of Mr. Middleton ; but as
 “ it will be necessary that an Officer be ap-
 “ pointed to the Command of them, I have
 “ fixed my Choice on Major Hannay, an Of-
 “ ficer of Experience and Abilities, to whom
 “ I am desirous of giving the Command of
 “ these Battalions. As our Affairs are insepa-
 “ rably connected, I apply to you, without
 “ Ceremony, to request that you will give your
 “ Approbation to my Choice, and will send
 “ Major Hannay, with Two or three other
 “ Officers, to the Charge of the aforesaid
 “ Battalions.” And the said Warren Hastings
 further says, that the Governor General and
 Council did afterwards, in compliance with
 the said Requests, unanimously resolve to per-
 mit the said Hannay to proceed to Oude, and
 to enter into the said Nabob’s military Service
 there : And that after the Arrival of the said
 Hannay, the said Vizier, in a Letter received
 from him on the Twenty-second of December,
 One thousand Seven hundred and Seventy-se-
 ven, did express himself, amongst other Things,
 to the Effect following : “ As Major Hannay is
 “ a good and experienced Officer, of great Bra-
 “ very and Conduct, I regard him in the Light
 “ of a sincere Friend. Your Compliance with
 “ my Request in sending him to me, is a
 “ striking Proof of the Warmth of your Friend-
 “ ship.

“ ship. His Arrival has given me the most
 “ sincere Pleasure; and I am convinced that
 “ the Business I shall put into his Hands will
 “ prosper.”

AND the said Warren Hastings denies that he did at any Time recommend the said Hannay to the Farms or Collection of Revenue of the said Provinces in the Dominions of the said Nabob of Oude, called Baraitch and Goruckpoor, or that he did procure him to be appointed thereto. But the said Warren Hastings has been informed that the said Hannay was appointed thereto by the said Vizier, and that such Appointment was by him the said Vizier made of his own Accord. But the said Warren Hastings denies that the Appointment in question was of such Nature, or productive of such Consequences, as are suggested in the said Article. And the said Warren Hastings says, that he does not know nor believe that the said Hannay made such use of his Power as is stated in the said Article. And the said Warren Hastings says, he believes that the said Nabob did remove the said Hannay from his said Appointment, and did afterwards restore him thereto. But the said Warren Hastings denies that he did procure both or either of those Measures; or that he did ever obtrude the said Hannay into the Management of the said Nabob's Revenues; or that he had any sufficient Reason to believe that the Power of the said Hannay was exorbitant, or that the said Hannay had been guilty of any Abuse of Power. And the said Warren Hastings admits that he did on the Twenty-sixth of April, One thousand Seven hundred and Eighty, write a Letter to the said Nabob,

bob, expressing, amongst other Things, his Satisfaction at his Restoration of the said Hannay to the Employment with which the said Nabob had formerly invested him; "that he esteemed this as a Mark of the said Nabob's Attention to his original Recommendation." But the said Warren Hastings denies that he originally, or in any other Manner, recommended the said Hannay to the Service of the said Nabob, than as herein is before stated. And the said Warren Hastings did in the same Letter, to which he craves Leave to refer, tell the said Nabob nearly to the Effect, but not in the Terms, stated in the said Article. And the said Warren Hastings denies that the said Letter was of such Nature or Tendency as in the said Thirteenth Article is stated; or that the same was in any Manner improper; or that any former Complaints respecting the said Hannay had ever been made to the said Warren Hastings; or that the said Warren Hastings was in respect of the Matters aforesaid guilty of any Breach of Duty whatsoever. And the said Warren Hastings says, that the said Vizier did, about the latter End of the Year One thousand Seven hundred and Seventy-nine, make Complaints, through the then Resident at Oude, to the Governor General and Council, the said Warren Hastings being Governor General, to the Effect stated in the said Article; and which the said Warren Hastings admits to have included the Corps under the said Hannay and Osborne, and certain other Corps. And the said Vizier did further represent, that in "that distressed State of his Affairs it was just and requisite that Mr. Hastings and General Sir Eyre Coote, and the Supreme Council, should

A a

give

give him Relief;" and that " he could not that Year possibly provide for the new Brigade at Futty Ghur, the Corps of Horse, and other detached Bodies of Troops in his Country." And the said Warren Hastings says, that he did not ever declare that the Request made or supposed to be made on this Occasion, for the Dismission of these particular Corps, was totally inadmissible: But he says, that the Objection made by him the said Warren Hastings, was made to the Demand of the said Vizier, considering the same as one entire Proposition, and which the said Warren Hastings did then consider, and yet considers, as made at such a Season, and in such a Manner, as well justified such Refusal to comply therewith, as is contained in the Letter written by the said Warren Hastings in Answer thereto, under the Direction, and with the immediate Approbation, of the Board; and to which Letter, and to the Proceedings of the Board upon that Occasion, as well for the Reasons inducing such Refusal as for the Terms in which the same is expressed, the said Warren Hastings craves Leave to refer. And the said Warren Hastings denies that the said Corps, or any other Corps stationed in the Vizier's Country, had no Concern with Foreign Wars, or that they were solely employed in the Collections; although he admits that they were generally so employed. And he says, that although the native Soldiers, of which such Corps consisted, had no Concern with the Company's Establishment, nor were to return thereto when discharged from the Nabob's Pay, yet he avers that the Company had on several Accounts a material Interest and Concern in the Time and Manner of the Discharge of such Corps.

And

And the said Warren Hastings says, that he did on the Thirteenth of December, One thousand Seven hundred and Seventy-nine, by his Minute of that Date, propose that a Letter should be written to Mr. Purling, then Resident at Oude, which, if agreed to, might serve as the Substance of one to be written on the same Subject to the Nabob, and, in which Letter, he did, amongst other Things, propose to state, that “ the Application of the Vizier gave Cause for the most alarming Suspicions, since he could not be ignorant that the Mahrattas, the Enemies of the Company, and the ancient Enemies of his Government and Family, were in Arms, and a War unavoidable : That, at such a Juncture, a Proposal for disbanding any Part of his Forces could not fail to encourage them to attack his Dominions : That the Advice of his Ministers, who had instigated him to make the said Representation, would, it was trusted, appear to him as insidious as it was dangerous; and that the Governor General and Council hoped he would dismiss them from his Service and Confidence, as unworthy of both.” Which proposed Letter was agreed to, and another Letter conformable to the same was afterwards accordingly sent to the said Nabob by Order of the Board. And he further says, that he did, in his Minute of the Fifteenth of the said Month, state, amongst other Things, “ that he was inclined to bring to Punishment, “ if his Influence could produce that Effect, “ those Incendiaries, who had endeavoured to “ make themselves the Instruments of Division “ between the Nabob and the Company.” But he denies that the same, or any other Part of those Minutes, was intended to terrify the Nabob

bob or his Ministers, or any other Persons, from Representations on this or any other Subject affecting the Nabob's Revenues, or the Welfare of his Subjects, or that the same was intended to produce any other improper Effect.

AND the said Warren Hastings, again denying that the said Nabob was ever compelled to restore the said Hannay to the Charge of any Provincial Collections; denying also that he the said Warren Hastings kept up the said Hannay's Corps in Defiance of the said Nabob, in whose immediate Service the same actually was; the said Warren Hastings admits, that the said Philip Francis did declare, in his Minute of the Fifteenth of December, One thousand Seven hundred and Seventy-nine, to the Effect stated in the said Article. But the said Warren Hastings denies, that by having forbore to make the Enquiry suggested in the said Article, he did in any Manner connive at, countenance, or encourage any Confusions, or the Destruction of Military Obedience; or that he did, by any Act or Omission, or with any corrupt or wicked View whatsoever, leave the said Countries of Baraitch and Goruckpoor exposed to any such Mischiefs as are in the said Thirteenth Article described; or that those Countries were ever despoiled, wasted, or depopulated, in the Manner, by the Persons, or under the Circumstances, stated in the said Article. AND he said Warren Hastings further denies, that if any such Spoil, Waste, or Depopulation were ever committed or occasioned by any Persons whatsoever, that the same or any Part thereof was committed or occasioned by any Support or Counte-

Countenance directly or indirectly derived from him the said Warren Hastings. And the said Warren Hastings says that he does not know or believe that the said Hannay carried on the Collection of the Revenue in any oppressive Manner whatsoever, or that he did take any cruel or unjust Method of exacting the same. And the said Warren Hastings says, that he has seen a Deposition made by one Allahd Sing, a native Officer commanding the Fort of Goruckpoor, at the Time it was attacked, as herein after mentioned, which Deposition was made soon after the Insurrection at Benâres, in the Month of November, One thousand Seven hundred and Eighty-one, and, amongst other Things, contained as follows: “ I had con-
 “ fined, under my Guard, at the Fort of Go-
 “ ruckpoor, One hundred and Fifteen Bur-
 “ gomauls, Inhabitants of Surwaur; on the Fif-
 “ teenth of Rumuzaun, the Rajah of Goruck-
 “ poor, the Zemindars of Ouloolch Beehouly,
 “ &c. great and small, likewise all the In-
 “ habitants of Goruckpoor, with Six thou-
 “ sand Matchlocks, and great Numbers of
 “ Country People, armed with Clubs, at Four
 “ Gurries of the Night, surrounded the Fort,
 “ and made an Attack by Surprise; but the
 “ Sepoys on Guard at the Bastions were awake,
 “ they began to fire, and an Action immediately
 “ followed. Seeing that the Country People
 “ were in great Numbers, I went to each of
 “ the Bastions, and encouraged the Sepoys,
 “ and called them to me into the Body of the
 “ Place, and formed them together. I left a
 “ Havildar and Ten Sepoys at the Kung Mahal,
 “ to protect the Baggage; but it was Night Time.
 “ The

“ The Country People made an Assault with Lad-
 “ ders and entered the Fort, and both Parties
 “ fought resolutely ; at this Time they placed
 “ Ladders against the Inner Fort towards the
 “ South, and entered upon the Bastion. I
 “ seized an advantageous Opportunity, (attack-
 “ ed) and killed Seventeen of the Enemy on
 “ the Bastion, and wounded several others.
 “ About Half after Ten at Night they made
 “ an Attack upon the Western Bastion ; as there
 “ was a Straw Chupper on that Bastion, I took
 “ Shelter under it, and threw down with all my
 “ Force a Part of the Brick Battlement on the
 “ Enemy, by which Four of them were killed ;
 “ One other fell by a Musket Ball, and they
 “ retreated. A Third Time, about Three
 “ o’Clock in the Morning, the Country People
 “ raised a great Shout, and attacked us again ;
 “ I was then engaged on the Inner Fort Ba-
 “ stion ; Seubunse Havildar was posted with
 “ Twelve Sepoys, to guard the Burgomauls ;
 “ they rushed upon him in a Body, and
 “ Seubunse called out to me with a loud
 “ Voice that the Burgomauls had attacked
 “ him. I gave him Orders to put them all to
 “ the Sword ; he instantly struck off the Heads
 “ of Eighteen Burgomauls, and threw them
 “ out, and he wounded several others. The
 “ Morning now broke, and I entertained a
 “ Hope that the Enemy would fly, and that
 “ the People of the Town would certainly join
 “ me ; but the Country People, the Foujedar,
 “ &c. were all united with the Rajah ; they all
 “ lifted up their Arms, and said, “ The Doway
 “ of the Nabob Saadut Ally Khan, and the
 “ Begum, has spread through the whole Coun-
 “ try,

“ try, for the Rajah Cheyt Sing has destroyed
 “ all the English, and Letters have come to
 “ the Rajahs to put the Dependants of the
 “ English to the Sword wherever they may
 “ be found.” And he said, “ Where will
 “ they go? the Country is mine, I am a
 “ Bhonear Rajah, how long will they (be able
 “ to) oppose me?” In such Discourse Two
 “ Gurries of the Morning had passed away.
 “ From the Eastern to the Western Gates
 “ within the Mahal, they furrounded the Inner
 “ Fort on all Sides, and the Action was re-
 “ newed. We continued engaged for Five
 “ Pahr (Fifteen Hours) with the Enemy, with-
 “ out tasting either Food or Water.” AND
 the said Warren Hastings says, that the said
 Deposition did further contain as follows: “ I
 “ wrote an Account of the Whole of this
 “ Affair to Colonel Hannay and Captain
 “ Gordon; after a few Days an Order came
 “ from the Colonel to Munnowur Khan, di-
 “ recting, that if the Rajah Mustapha Khan
 “ had been put to Death, well; if not, strike
 “ off his Head. Munnowur Khan shewed me
 “ the Order; I said, The Order is not written
 “ to me, I will write to the Colonel on the
 “ Subject.” AND the said Warren Hastings
 says, that it further appeared by the said De-
 position, that Orders were afterwards given that
 the Head of the said Mustapha Khan should
 be struck off, and that he was beheaded accord-
 ingly; and that a Proclamation was made
 through the Town, that those who were
 guilty of such Crimes would meet with the
 same Punishment. AND the said Warren
 Hastings says, that he has been informed,

and believes, that the said Mustapha Khan was a rebellious Subject of the Nabob of Oude, sentenced to Death by the Nabob, on account of various Acts of Treason and Rebellion by him committed against the Nabob his Sovereign, and which Sentence was afterwards carried into Execution by Captain David Williams, then an Officer in the Service of the Nabob. AND the said Warren Hastings, denying that the said Transaction was, to his Knowledge or Belief, of the Nature, or productive of the Consequences, stated in the said Article, says, that he was not, on account of such Information, or of any other by him received, or in any other Manner whatsoever, required by his Duty to make an Enquiry into the Conduct of the said Hannay, relative to any of the Particulars above stated. AND the said Warren Hastings says, that no Complaints of the Mother or Grandmother of the said Nabob of Oude, concerning any Misbehaviour of the said Hannay or Captain Gordon, if any such were ever in fact made, ever came to the Knowledge of him the said Warren Hastings whilst he continued to be Governor General. And the said Warren Hastings denies that he ever knew of any Application of the said Hannay to the said Vizier, if indeed the said Hannay did again apply to the Vizier, for the Farm of Baraitch and Goruckpoor. And the said Warren Hastings says, that he has since heard that a Report did, in fact, prevail, that the said Hannay was about to return to Oude; and the said Warren Hastings says, that the Vizier did, as he apprehends, in consequence of such Report, or of some Intelligence to that Effect,
write

write a Letter to him the said Warren Hastings, which was received by him on the Fifteenth of September, One thousand Seven hundred and Eighty-two, containing such Expressions as are stated in the said Thirteenth Article: But the said Warren Hastings says, that he was, at the Time of the receiving that Letter, and before, and for several Weeks afterwards, confined by a long and dangerous Illness; and that, although no Answer was returned by him to the said Letter, until the Thirtieth of December following, yet he humbly submits, that any more immediate Answer thereto became unnecessary by the Death of Colonel Hannay, which happened early in September, and before the Letter of the said Nabob was received by him the said Warren Hastings. And the said Warren Hastings denies that there was any sufficient or reasonable Ground for the Vizier, or for any other Person, to be assured, or to suppose, that the Death of the said Hannay alone prevented his being again employed in Oude. And the said Warren Hastings further denies that he, at any Time subsequent to the Treaty of Chunar, ever meant or intended that the said Hannay should return to Oude. AND the said Warren Hastings denies, that in all or any of the several supposed Acts or Neglects, in the said Thirteenth Article charged against him, he was guilty of any Breach of Duty whatsoever, or that in respect of all or any of the several Matters in the said Article mentioned, he was guilty of any Breach of Duty whatsoever, or has been the Cause of Damage to the Country of Oude, of any Breach of his Trust; or that he did, in any Respect, dishonour the Name or

Character of this Nation; or that he has been guilty of any Crime or Misdemeanour whatsoever.

FOURTEENTH ARTICLE.

IN Answer to the Fourteenth Article, the said Warren Hastings, denying that the Nabob Vizier had any Reason to entertain, or did in fact entertain, any Apprehensions from the said Warren Hastings, relative to the Security of his own Person, or the Stability of his own Situation, or that he the said Warren Hastings was guilty of any Malice or Corruption, or that any Bribe was by the said Nabob Vizier ever given to the said Warren Hastings, or that the said Warren Hastings did, in any Instance, treat the said Nabob Vizier with Inhumanity, Perfidy, or Rigour; and denying also that the said Nabob had any such Cause of Apprehension or Alarm as in the said Fourteenth Article is stated, says, that the said Resident Middleton did, in a Letter bearing Date the Seventeenth October, One thousand Seven hundred and Eighty-one, transmit to the said Warren Hastings certain Extracts of Letters from Lieutenant Colonel Hannay, expressing the Suspicions of the said Hannay respecting the Attachment of the said Nabob Vizier; and that, at the Instance of the said Warren Hastings, certain Affidavits were made before Sir Elijah Impey, His Majesty's Chief Justice

Justice (but not acting in such Capacity, as in the said Fourteenth Article is suggested), tending to criminate certain Relations of the said Nabob Vizier; the said Warren Hastings, however, denies that he was, in any Manner, criminal in respect of the taking of the said Affidavits. AND the said Warren Hastings, denying also that, to his Knowledge, the said Nabob Vizier did fall into such State of Mind, as, in said Fourteenth Article, is set forth, admits, that he the said Warren Hastings was informed that, in the Month of February, One thousand Seven hundred and Eighty-two, the said Nabob Vizier had expressed a Desire, to the said Resident Middleton, to make him the said Warren Hastings a Present of Ten Lacks of Rupees, subject to his the said Warren Hastings Consent to, and Acceptance of, the same: But the said Warren Hastings denies, that he did ever consent, or entertain any Intention of consenting, to accept the same. And he says, that he has been informed, and believes, that Assignments on the Revenue had been given by the said Vizier to the said Middleton, prior to the aforesaid Offer, for the Purpose of discharging, out of the Produce thereof, the Debt due from the said Vizier to the said Company; but he believes, that no specific Assignments, or any other Security, or Bill, were, at any Time, given by the said Vizier for the Payment of the said intended Present. And the said Warren Hastings denies, that any Letter from the said Middleton to the said Warren Hastings, or any Letter from the said Warren Hastings to the said Middleton, relative to the said Present, has been, against Law or his Duty, or for any base, clandestine, or

corrupt Purpose, by him suppressed. And he avers, that he did, very soon after receiving Intelligence of the said Design of the said Nabob, communicate what he the said Warren Hastings knew, or had heard, relating to the said intended Present, to the Members of the Supreme Council; and did, at the same Time, declare his Intentions relative thereto, as herein after explained. And the said Warren Hastings denies, that he was guilty of any Neglect or Misconduct, in respect of the said Transactions, or that from any Part of the Conduct of the said Warren Hastings therein, either the said Middleton, or any other Person, could be taught to consider the Receipt of Bribes as a Matter which might bring no Danger or Discredit to them. And the said Warren Hastings denies that no Notice was taken of the said Transaction, or any Document concerning the same produced, to the Members of the Council General, by the said Warren Hastings, until the Month of July, One thousand Seven hundred and Eighty-three; on the contrary, the said Warren Hastings says, that although no Entry was made on the Consultations respecting the same, prior to that Period, yet the said Transactions, and all the Particulars relative thereto, were, very soon after the said Warren Hastings was acquainted therewith, and long before the Time mentioned in the said Article, communicated to the then Members of the Supreme Council; and Instructions touching the same were, with their Privy and Consent, prepared and given, as herein after mentioned. And the said Warren Hastings says, that, by Order of the Board of Council, Richard Johnson Esquire, who, in the Month of September,

One

One thousand Seven hundred and Eighty-two, had been recalled from Lucknow, was, in the Month of June, One thousand Seven hundred and Eighty-three, required to make his Defence as to certain Articles of Charge which had been, by the said Board, preferred against him, One of which Articles was in the following Terms; for sending repeatedly to the Vizier, and to his Minister, Hyder Beg Cawn, to advise them against transferring the Ten Lacks of Rupees, intended as a Present to the Governor General, to the Company's Account; as it would be a Precedent for further Demands, which, if the Vizier did not resist in the first Instance, this Government would never cease to harass him for Money. In Answer to which Article of Charge, the said Richard Johnson did state as follows: " The Act
 " and Intention, as far as I should limit them in
 " admitting myself the Cause of preventing the
 " Ten Lacks mentioned from being, at that
 " Time, paid to the Company, are true; the
 " Reasons assigned for such Prevention, lest the
 " said Nabob should be again harassed, &c. are
 " the Minister's own Words and Objections made
 " to me, transferred into my Mouth. The Mode
 " also, by Message, is likewise misrepresented;
 " but that is immaterial; suffice it for me to ex-
 " plain the Act. I acknowledge Fifty Lacks
 " were due in Balance; all the Nabob's Re-
 " sources not promising to prove equal to dis-
 " charge this Balance, a new Claim was, at this
 " same Instant, made of Eighty-two Lacks;
 " the Resources in my Hands, the sole Fund
 " existing to answer both the Means, unequal to
 " this End, the Question remained, which of the
 " Two Claims, the new or the old, should be
 " first

“ first paid. I did not hesitate one Instant to
 “ declare, that if any of the Assets placed in my
 “ Hands should be attempted to be estranged
 “ from the Purposes for which they were assigned,
 “ I should declare it to be a Breach of Treaty :
 “ They were to discharge the Balances of Years,
 “ the sole Object of the late Treaty, and all the
 “ Measures connected with it had the single
 “ Point for their End. Could I, deeply pledged
 “ for the Fulfilment of the Treaty, subscribe
 “ to the total Subversion of these Measures, at
 “ the very Moment of their Completion, in the
 “ Termination of the Year prescribed and al-
 “ lotted for their Operation? I could not, I
 “ ought not; therefore I thus obstructed the
 “ Whole of course; the Parts of that Whole for
 “ the Reasons above assigned, and no other what-
 “ ever. Whether such Preference, so given to a
 “ previous Claim, was criminal or meritorious,
 “ rests with the Honourable Board to declare,
 “ when they recollect that retarding neither ex-
 “ punges or diminishes a Claim. Permit me here
 “ to subjoin: Had the Ten Lacks been unin-
 “ volved with the Seventy-two, or had the ag-
 “ gregate Sum not been required within the Pe-
 “ riod left for liquidating the Balances intrusted
 “ to me, or had not the Assets lodged in my
 “ Hands for this Purpose been the sole Funds
 “ from which such Payments could be attempt-
 “ ed, so far from impeding, even for a Moment,
 “ such a Claim, I should have been the first to
 “ support and urge it to its Completion.”

AND the said Warren Hastings says, that
 in his Observations on the said Answer, delivered
 in Council on the Twenty-first October, One
 thousand

thousand Seven hundred and Eighty-three, he
 did assert as follows: " I am morally certain,
 " that Zaidads or Assets of Ten Lacks, either
 " in Assignments of Lands or in Bills, had been
 " prepared, and were in the Charge or Possession
 " of Mr. Middleton before Mr. Palmer's Ar-
 " rival, and left with Mr. Johnson on Mr.
 " Middleton's Departure; that this Sum was
 " declaredly given for my Use, but never ac-
 " cepted by me; the only Advantage I made
 " of the Offer was, to request the Nabob to
 " transfer it, with the Obligation still resting
 " with equal Weight upon my Gratitude, for
 " the original Destination of it, to the Com-
 " pany, for the Relief of their pressing Ne-
 " cessities: The Rectitude of this Transaction
 " depends essentially upon Principles which
 " every Man feels and acknowledges in his own
 " Breast, but can hardly be judged by the Test
 " of any official Rule. It might indeed have
 " added to the Company's Claims on the Na-
 " bob, but I am not sorry that Mr. Johnson
 " chose to defeat my Intentions, since it would
 " have added to the Nabob's Distresses, but
 " with no immediate Relief to the Company;
 " if in his own Breast he could view the
 " secret Motives of this Transaction, and on
 " their Testimony approve, I also acquit him,
 " as I do acquit him, of the Charge on public
 " Ground." And the said Warren Hastings
 says, that John Macpherson Esquire, a Mem-
 ber of the Supreme Council, in his Observa-
 tions on the Answer of the said Richard John-
 son, did declare with respect to the aforesaid
 Charge, that as the Transaction was stated in
 September, One thousand Seven hundred and
 Eighty-

Eighty-two, when Mr. Johnson was ordered to quit his Station, he considered it as equally injurious to the Wishes of the Governor General, and replete with Infidelity on the Part of Mr. Johnson to his Employers; that it remained still to be cleared up between Mr. Johnson and Hyder Beg Cawn; and he declared that he had understood at the Time, that the Ten Lacks were in Bills, and not a mere Offer to pay such a Sum from the future Revenues of the Country.

AND the said Warren Hastings denies, that in concurring in the Enquiry into the Conduct of the said Mr. Johnson, the said Warren Hastings had any such Object, or entertained any such Intention, as are in the said Fourteenth Article in that Behalf set forth, or that he made any Declaration respecting the said Charge, other than what is herein before stated, or that he did suddenly, or in any Manner, put an end to the said Enquiry: But, on the contrary, the said Warren Hastings says, that such Enquiry was publicly prosecuted by the Board of Council, in such Manner as to them seemed right; nor was the said Enquiry concluded till after every previous Step had been taken, which the said Board thought necessary for the Formation of their Judgment thereon; nor till after the Opinion and Determination of every Member of Council had been regularly and finally pronounced upon the said Charges. And the said Warren Hastings admits, that he was of Opinion, and did accordingly declare, that some of the Charges against the said Richard Johnson were proved; but the final Determination
of

of the said Board relative thereto, was, that upon the whole, although they considered the Conduct of the said Richard Johnson blameable in several Instances, yet they were also of Opinion, that he had been sufficiently punished by the Deprivation of the Office which he had held, and by the sudden Manner in which the Complaints and Evidence then before them, induced them to recal him to the Presidency.

AND the said Warren Hastings says, that afterwards, in the Month of January, One thousand Seven hundred and Eighty-four, the Governor General and Council, he the said Warren Hastings being Governor General, did, on his Recommendation, unanimously appoint the said Richard Johnson to be Resident at the Court of the Nizam, conceiving him to be duly qualified for that Employment.

AND the said Warren Hastings admits, that the said Board did not examine the said Nathaniel Middleton, in respect to the aforesaid Charge against the said Richard Johnson; and that the said Nathaniel Middleton was at the Time of the said Enquiry at Calcutta, his own Conduct being then a Subject of Enquiry, before the said Board, upon Accusations preferred against him by the said Warren Hastings, for sundry Misdemeanours charged to have been committed by the said Middleton during his aforesaid Residency at Lucknow. But the said Warren Hastings denies that he the said Warren Hastings in any Manner avoided such Examination,

tion, or that he said or did any Thing to prevent the same.

AND the said Warren Hastings says, that he had no Concern directly or indirectly with the said Assignments, otherwise than as herein before stated: But he has heard and believes that regular Accounts were kept of all the Assignments which were made by the said Vizier to the said Middleton; and that the Produce of the said Assignments was regularly carried to the public Account of the said Vizier with the East India Company. And the said Warren Hastings denies that the said Assignments must have been, or that to his Knowledge or Belief they were, made for any secret criminal Purpose, or that the Money received therefrom must have been, or to his Knowledge or Belief was, so applied.

AND the said Warren Hastings says, that after having been informed of the aforesaid Offer made by the said Vizier of the said Ten Lacks of Rupees, he the said Warren Hastings did in the Month of May, One thousand Seven hundred and Eighty-two, with the Privy and Approbation of the Members of the Supreme Council, depute Major Palmer, and Major Davy as the Assistant of the said Major Palmer, to the said Nabob Vizier, with written Instructions, in which, amongst other Things, the said Major Palmer was directed in the Words following: " The Nabob Vizier having by
 " an Intimation made to Mr. Middleton, in
 " the Month of February last, been pleased to
 " express

“ exprefs his Desire to make me a Present of
 “ Ten Lacks of Rupees, and requested my
 “ previous Consent and Acceptance of the fame,
 “ I desire you will make my Acknowledgment
 “ in proper Terms for this Instance of his Li-
 “ berality and Benevolence, and acquaint him
 “ that I am precluded from accepting it by
 “ many Conditions, but by One especially,
 “ which I beg him to take in good Part,
 “ namely, that if I had received it at the Time
 “ in which the Tender of it was made, it would
 “ have been liable to Constructions even in his
 “ Breast, so repugnant to the disinterested Friend-
 “ ship which I profess and bear towards him,
 “ that no Consideration of personal Profit could
 “ have induced me to accept it at such Hazard.
 “ If he should renew the Offer to you, you will
 “ inform him that my Objection remains the
 “ same, and is insuperable ; but that if he will
 “ be pleased to transfer it to the Company for
 “ the Relief of their present and known Dis-
 “ tresses, I will accept of it on their Behalf
 “ with a Thankfulness equal to that which I
 “ should have felt and expreffed for the Gift had
 “ it been made to myself, the Wants of the
 “ Company being at this Time of equal Con-
 “ cern to me as my own. Let him understand
 “ this Subject rightly, and he will see in my
 “ Refusal, thus qualified, the most convincing
 “ Proofs of my Friendship for him, and a Re-
 “ gard for his Interest.”

AND the said Warren Hastings further says,
 that the said Major Palmer and Major Davy,
 having proceeded to Lucknow on the said Agen-
 cy, and having, in pursuance of the said In-
 structions,

structions, made such Application to the said Nabob Vizier as is therein directed relative to the said Ten Lacks, the said Nabob Vizier did write a Letter, bearing Date Twenty-third August, One thousand Seven hundred and Eighty-two, to the said Warren Hastings, in which, after mentioning the Application made to him by the said Major Palmer and Major Davy respecting the said Ten Lacks of Rupees, the said Vizier did refer, for his Answer thereto, to a Letter he had written to the said Major Palmer. And the said Warren Hastings says, that the said Letter from the said Nabob Vizier to the said Major Palmer, so referred to, is in the Words following:

“ ON the Subject of Ten Lacks of Rupees, you repeatedly have said that the Nabab Governor’s Pleasure is, that I should give them for the Expences of the Company’s Sircar. The Nawab Governor’s Will is binding upon me. I can make no Excuses. Take Ten Lacks of Rupees for the Expence of the Company’s Sircar; but you have said, that if I am willing to assist the Affairs of the Company’s Sircar, you will fulfil my Request agreeably to the Paper. As the Nabab Governor’s Permission is arrived with respect to the Two Points of which you have spoken, I agree to both of them, and will give, for the Expences of the Company’s Sircar, Ten Lacks of Rupees this Year, and Six Lacks of Rupees yearly, in lieu of Regiments, upon Condition that I obtain my Request and Authority. It is proper that you adjust my Requests agreeably to a Paper
“ upon

“ upon which the Nawab Governor has given
 “ Orders, and restore me to the Management
 “ of every Concern.”

AND the said Warren Hastings says, that the said Nabob Vizier did, in and by his said Letter to the said Warren Hastings, urge several Reasons for not furnishing a Loan of Sixty Lacks of Rupees, with which he was required to assist the East India Company. And the said Warren Hastings admits, that it does not appear in the Correspondence between the said Vizier and the said Warren Hastings, whether the said Vizier did or did not advance the said Ten Lacks for the Use of the East India Company, as he was requested and had promised to do; nor does it appear whether or not any Answer was written immediately by the said Warren Hastings to the Letter of the said Vizier. And the said Warren Hastings, though he has no particular Recollection on the Subject, is induced to believe that he did not answer such Letter; as, in a Letter from the said Warren Hastings to the said Nabob Vizier, dated Ninth September, One thousand Seven hundred and Eighty-two, the said Warren Hastings did state as follows: “ My late Illness
 “ has caused a Delay in sending the Answer to
 “ your several Letters. I am now, thank God,
 “ recovering; and have come a few Miles above
 “ Calcutta for the Change of Air upon the
 “ River.” And the said Warren Hastings says, that he was, about that Time, attacked with a severe Illness, from which he did not recover for the Space of some Months. And the said Warren Hastings further says, he believes that the aforesaid Letter from the Vizier to the said Warren
 ren

ren Hastings had been communicated to the several Members of the Supreme Council, and was deposited in the proper Office, and open for their Inspection at the Time of the aforesaid Enquiry ; and the Contents thereof more fully known to every Member of the said Board. And the said Warren Hastings denies, that any Paper, relative to the Matters aforesaid, which it was his Duty to have produced, was ever suppressed or withheld by him, or that he had the least Desire to suppress or withhold from the other Members of the Supreme Council, or from the East India Company, the Whole or any Part of any Paper or Letter from the said Vizier relative to the Matters aforesaid.

A N D the said Warren Hastings denies, that he has purposely left the Evidence relative to the Matters aforesaid in a State of Contradiction or Obscurity, or that he has involved the same in Mystery, or that he has been guilty of any intentional Omission relative thereto, or that he did or doth wilfully and criminally omit to produce or withhold the full Correspondence touching the same, or any Part thereof, or of any Agents in the said Transactions. And the said Warren Hastings avers, that the said Ten Lacks of Rupees, mentioned by the said Nabob Vizier in his aforesaid Letter to the said Warren Hastings and the said Major Palmer, are the identical Sum offered to the said Nathaniel Middleton ; and he submits, that it doth sufficiently appear to be so. And the said Warren Hastings, admitting that a Governor General is bound to take care, so far as in him lies, that the Management and Accounts of the
East

East India Company's Revenues entrusted to his Care, or whatever may affect the same, mediately or immediately, should be kept in a Manner clear, open, and distinct; and that a Governor General is also bound to the Observance of such other Points of Duty as are in the said Fourteenth Article in that Behalf set forth; denies, that he has in any Manner deviated therefrom, or that he has been guilty of any of the criminal Acts, Offences, or Misconduct in the said Fourteenth Article charged, or that the whole, or any Part of the Conduct of the said Warren Hastings, in the Matters in the said Fourteenth Article mentioned, was of such Nature, or had such Tendency or Effect, or was calculated to produce such Effect, as in the said Article is set forth.

FIFTEENTH ARTICLE.

IN Answer to the Fifteenth Article, the said Warren Hastings, denying that he did entertain any such Opinions, Views, or Motives, as are therein stated, and craving Leave to refer to the Answers he has already made to such the Allegations therein contained as have been by him already answered, says, that in or about the Month of March, One thousand Seven hundred and Eighty-two, an Account was made up at the Presidency of Fort William, by William Larkins Esquire, the Accountant General to the East India Company at the said Presidency, in the Course of his official Duty; in which Account

count were contained certain Articles of Charge upon the said Vizier, which the said Nabob was justly liable to pay, and which did amount to about the Sum of Four hundred thousand Pounds; and the said Account having been transmitted by Order of the Board of Council to Nathaniel Middleton Esquire, then Resident at Lucknow, the same was submitted to the Examination of the proper Officers of the said Nabob; and having been examined by them, the Articles of Charge on the Nabob were allowed, but certain Counter-claims were set up on the Part of the Nabob.

AND the said Warren Hastings further says, that the said Counter-claims being communicated to the Governor General and Council, were duly investigated, and the said Accounts were afterwards settled, and the exact Balance due to the said Company ascertained. And the said Warren Hastings says, that he did, as his Duty required, demand Payment of the Amount of the Debt which was justly due to the said Company from the said Nabob; and he denies that he took any Means to recover the same, or pursued any Conduct in respect thereto, contrary to, or inconsistent with, his Duty.

AND the said Warren Hastings says, that the Debt due from the said Vizier to the Company did, in the Year One thousand Seven hundred and Eighty-two, amount to a considerable Sum of Money; and that, in order to discharge the same, the said Governor General and Council were informed by the said Bristow, that the said Nabob had borrowed Money

Money at the usual Interest of his Country; but he denies that the said Debt had been occasioned by enforcing any unjust Demands made on the Part of the Company, or any Persons in their Employ; and he denies that any such were made or enforced.

AND the said Warren Hastings further says, that having quitted India on the First February, One thousand Seven hundred and Eighty-five, he cannot, from his own Knowledge, set forth the State of the Account between the said Company and the said Nabob since that Period; but he does not believe that such Consequences did arise from the Company's Demands on the said Nabob, affecting his Country and Government, as in the said Article are stated; and he denies that the said Demands were brought forward with any such Views as are therein set forth.

AND the said Warren Hastings, craving Leave to refer to the Answer he has already made in respect to the Deputation to Lucknow of Major Palmer and Major Davy, in the said Article mentioned, denies that he ever did authorize or instruct the said Major Palmer or the said Major Davy to make any such Demand of a Loan from the said Vizier as in the said Article is stated; but he says he did instruct the said Major Palmer as follows: " I desire
 " you to endeavour to obtain from the Mi-
 " nisters, and from Almas Alli Cawn, such
 " Sums of Money as they can spare from their
 " own Means, or raise by their Credit upon
 " Loan for the Service of the Company. To
 D d " effect

“ effect this, it will be necessary to convince
 “ them, that they will be no Losers by it,
 “ but that on the contrary their Property will
 “ acquire a Security from being lodged in the
 “ Company’s Funds. Explain to them the
 “ Nature of the Company’s Interest, Notes,
 “ and the Means of Credit by which they pass
 “ in Circulation, and are transferable from the
 “ original to other successive Proprietors, so as
 “ to give them a just Idea of the Tenure and
 “ of the equal Footing on which native, alien,
 “ and British Proprietors stand in Possession of
 “ them. At the same Time it will be proper
 “ to apprize them of the Fluctuation of their
 “ current Value, which it would be criminal to
 “ suppress. You may assure them that when
 “ Peace is restored to our Establishment, and
 “ our Expences are consequently diminished,
 “ the Debt will be gradually paid off, as a
 “ former Debt contracted before my Appoint-
 “ ment to the Government, to a much larger
 “ Amount, was discharged in the Course of
 “ Two Years within your own Remembrance;
 “ and that the estimated Value of the Notes
 “ will rise to the Rates of their specific Sums,
 “ and even above them, on the Prospect of
 “ Payment; so that the Proprietors will be
 “ subjected to no Loss, unless they shall chuse
 “ to part with their Property in the Notes
 “ during the intermediate Times of our Ina-
 “ bility to discharge them, the annual Interest
 “ due in the Interval being duly and punc-
 “ tually paid. I have no Doubt of their Fi-
 “ delity, but it can be no way so strongly
 “ shewn, nor the Company’s Support of them
 “ be so strongly engaged, as by the Assistance
 “ required.”

“ required.” And with respect to the Demand charged in the said Articles to have been made, that the said Vizier should take Four Battalions of the Company’s Troops into his Pay for the Collection of his Revenue, the said Warren Hastings says, that, Application having been made in or about the Month of March, One thousand Seven hundred and Eighty-two, by the said Vizier to the Governor General and Council, for certain Troops to be stationed for the Defence of the Nabob’s internal Dominions, and no specific Answer having been given to the said Application, the said Major Palmer was instructed to confer with the Nabob on the said Subject, who then expressing an Unwillingness to have the said Measure carried into Execution, it was immediately abandoned.

AND the said Warren Hastings says, that he never did falsely or evasively deny, or endeavour to explain away, any Share he actually had in the above Proceedings; and he denies that he was ever guilty of any Falsehood or Evasion on the Subject.

AND he admits, that he did not call the said Major Palmer, or the said Major Davy, to account for their Conduct in the Transactions aforesaid, believing then, as he now does, that they had not done any Act which made it incumbent upon him so to do.

SIXTEENTH ARTICLE.

IN Answer to the Sixteenth Article, the said Warren Hastings, denying that he did ever entertain any such Design, or was actuated by any such Motive, or was guilty of any such criminal Acts as are, in the Introduction to the said Article, stated, says, that Almas Ali Khan, therein mentioned, did form considerable Districts in the Dominions of the Nabob of Oude, and was a Person of great Influence and Power therein. And the said Warren Hastings says, that at various Times, previous to the Twenty-third of October, One thousand Seven hundred and Eighty-two, he had received Information, which he believed to be true, that the said Almas Ali Khan was at the Head of a considerable and powerful Force, at a Time when the Dominions of the Nabob were also, in other Respects, in great Disorder and Confusion, and that he was in a State of Rebellion, and had retreated with the said Force, and a considerable Treasure, to the Confines of the said Dominions. And the said Warren Hastings says, that he made a Representation to the Minister of the said Vizier, concerning the said Conduct of the said Almas Ali Khan, and that the Vackeel of the said Vizier did receive, at Calcutta, a Perwannah, purporting to have been sent by the said Vizier, the Contents of which were communicated to him the said Warren Hastings, and which represented the Information before received by the

the said Warren Hastings, touching the said Almas Ali Khan, to be false and without Foundation: But the said Warren Hastings says, that he had, at that Time, good Reason to believe the Contents of the Perwannah itself to be, in this and other Respects, untrue. And the said Warren Hastings further says, that he was afterwards informed that the said Almas Ali Khan did return to the Capital of the said Vizier, under an Engagement for his personal Safety. And the said Warren Hastings further says, that on or about the Twenty-third of October, One thousand Seven hundred and Eighty-two, being then absent from Calcutta for the Recovery of his Health, he did, in consequence of a Reference made to him from the Board of Council, draw up certain Instructions for John Bristow Esquire, then Resident at the Court of Oude, containing, amongst other Things, the following Paragraph: "The Means by which Almas Ally Cawn has been permitted to acquire In-
 "dependency have been long seen, and the
 "Effects of it foretold by every Person ac-
 "quainted with the State of that Govern-
 "ment, except those immediately interested
 "in it. The late Resident has been his con-
 "stant Advocate; and I lately understand
 "that, however truly, the Minister disclaims
 "all Concern in this imprudent Measure. It
 "is very extraordinary that his Defection, his
 "Retreat to the Frontier, the subsequent Ne-
 "gociations which passed between him and
 "the Nabob, the Engagements concluded be-
 "tween them, which resemble more a Treaty
 "between equal States than a Transaction be-
 "tween a Sovereign and his Vassal, have all
 "passed,

“ passed, without the least Communication or
 “ Report of them made to me by the Resident,
 “ or his Assistant, or the Minister; and in a
 “ Letter which I have lately received from the
 “ Nabob, the Minister has had the Presump-
 “ tion to make the Nabob declare the whole
 “ to be false and without Foundation, and to
 “ affirm that every Part of his Dominion
 “ enjoyed the most perfect Peace and Tran-
 “ quillity. Upon this Subject the Behaviour
 “ of the Minister is so reprehensible, that I
 “ think it incumbent upon me to let him know
 “ my Sentiments of it; it will at least shew
 “ him how thin the Veil is by which he covers
 “ his own Acts, and that such Artifices will only
 “ tend to make them the more criminal, from
 “ the Falsehood and Duplicity with which they
 “ are associated. As for Almas Ally Cawn
 “ himself, the Policy which has been observed
 “ towards him has been scandalously deroga-
 “ tory from the Nabob’s Dignity and Interest,
 “ and hurtful to the Reputation of our Go-
 “ vernment, as far as it is connected with it.
 “ If any Engagement shall actually subsist be-
 “ tween them at the Time you have Charge
 “ of the Residency, it must, however excep-
 “ tionable, be faithfully observed; but if he
 “ has been guilty of any criminal Offence to
 “ the Nabob his Master, for which no Immu-
 “ nity is provided in the Engagement, or he
 “ shall break any one of the Conditions of it, I
 “ do most strictly enjoin you, and it must be
 “ your special Care, to endeavour, either by
 “ Force or Surprise, to secure his Person and
 “ bring him to Justice; by bringing him to
 “ Justice I mean, that you urge the Nabob,

“ on due Conviction, to punish him with Death,
 “ as a necessary Example to deter others from
 “ the Commission of the like Crimes; nor
 “ must you desist, till this is effected. I cannot
 “ prescribe the Means; but, to guard myself
 “ against that Obloquy to which I may be ex-
 “ posed by a forced Misconstruction of this
 “ Order by those who may hereafter be em-
 “ ployed in searching our Records for Cavils
 “ and Informations against me, I think it
 “ proper to forbid, and protest against the Use
 “ of, any fraudulent Artifice or Treachery,
 “ to accomplish the End which I have pre-
 “ scribed; and as you alone are privy to the
 “ Order, you will of course observe the strictest
 “ Secrecy, that it may not transpire; but I
 “ repeat my Recommendation of it as one
 “ of the first and most essential Duties of
 “ your Office.”

AND the said Warren Hastings further says,
 that the said Instructions being laid before
 the Board of Council at Calcutta, for their
 Approval and Correction, they did unanimously
 approve of the same, and ordered that they
 should be copied fair, and dispatched to the
 said Bristow, which was accordingly done.
 And the said Warren Hastings denies, that,
 at the Time the said Instructions were given,
 he knew of any such Engagement on the Part
 of the said Vizier with the said Almas Ali
 Khan, as in the said Sixteenth Article is stated,
 or that the said Instructions to the said Bristow
 were of such Nature or Tendency, or that the
 Conduct of the said Warren Hastings in respect
 thereof was such as in the said Sixteenth Ar-
 ticle

ticle is stated, or that he was in any Manner criminal in respect thereof. And the said Warren Hastings says, that the said Bristow did represent that he had not attempted to seize upon the Person of the said Almas Ali Khan, declaring that, inasmuch as the said Almas Ali Khan had returned to Lucknow, under a positive Engagement of personal Safety, such a Measure would have been considered an Act of Treachery, and was therefore, as he the said Bristow did also declare, peremptorily forbidden by the said Instructions. And the said Warren Hastings says, that the said Bristow did afterwards transmit to the Board of Council sundry Complaints and Documents respecting such Subjects as are in the said Article stated; and the said Board did thereupon direct an Enquiry to be made as to the Truth thereof; and he admits, that he did, on the First of January, One thousand Seven hundred and Eighty-four, write a Letter to the said Almas Ali Khan, containing Expression of Favour and Protection, and stating, that he did not give Credit to the Accusations against him; which Letter, he avers, was in the then State of public Affairs proper and necessary. And the said Warren Hastings denies, that, after going to Lucknow, he did invest the said Almas Ali Khan with any Power whatever; but he says that the said Almas Ali Khan was by the said Vizier continued in the same Authority as he had before possessed.

AND the said Warren Hastings believes it to be true, that previous to the Arrival of the said Warren Hastings at Lucknow as aforesaid,
the

the said Almas Ali Khan had held his Farms of Revenue from Year to Year; and the said Warren Hastings says, that some Time in the Month of July, One thousand Seven hundred and Eighty-four, the said Vizier did make a Settlement of his Country with his Aumeens or Collectors, and amongst the rest with the said Almas, for a Term of Five, and in some Instances, Six Years; but the said Warren Hastings denies, that the said Settlement with the said Almas was of such Nature as in the said Sixteenth Article is stated: And he further says, that a Sum of Money, amounting to Fifteen Lacks of Rupees, was afterwards, on the Suggestion of him the said Warren Hastings, advanced by way of Loan to the said Nabob Vizier by the said Almas, concerning which the said Warren Hastings did, in a Letter to the Court of Directors, dated the Thirtieth of April, One thousand Seven hundred and Eighty-four, write as follows: " The Third Article (meaning the said Loan) was obtained by my own Suggestion from Almas Ali Khan, who complied cheerfully and without Hesitation therewith, considering it as an Evidence seasonably offered for the general Refutation of the Charges of Perfidy and Disloyalty which have been so laboriously urged against him, and carried at one Time to an Excess which had nearly driven him to abandon the Country for the Preservation of his Life and Honour, and thus to give a Colour to the Charges themselves."

AND the said Warren Hastings denies, that such his Representation was false, or that

E e

he

he had any Intention therein to deceive the Court of Directors, or that, to his Knowledge or Belief, the said Almas had at the Time of such Representation neglected to pay up the regular Instalments stipulated by the Terms of his Lease; or that the said Warren Hastings was in the Whole, or any Part of the said Transaction, guilty of any such Misconduct as in the said Sixteenth Article is suggested, or of any Crime or Misdemeanour whatsoever.

SEVENTEENTH ARTICLE.

IN Answer to the Seventeenth Article, the said Warren Hastings says, he believes it to be true, that the Laws and Customs of the East allow a Plurality of Wives and Concubines, and the Families of the Princes of Indostan are generally numerous; but the said Warren Hastings denies that the Sons of the said Princes are all equal in Dignity, of whatsoever Mothers they may have been born. And he says, that by the said Laws and Customs the Maintenance of such Families does entirely depend upon the Will and Pleasure of the reigning Sovereign; the said Warren Hastings denying, however, that he possessed the whole Power and Dominion of the Nabob of Oude, or that he was in Justice or Duty bound to take care that a due Provision should be made for the Brothers and Sisters of the said Nabob, admits that he did not interpose for the Purpose of procuring any other Provision for the said Brothers

and

and other Relations of the said Nabob than what he the said Nabob had himself actually allotted.

AND the said Warren Hastings says, that he cannot set forth what Allowances were made to the supposed Relations of the said Nabob, nor how such Allowances were paid, nor the Number or respective Ages of those Relations: But he denies that any Defalcation of their Maintenance, if such there was, proceeded from any such Causes as are in the said Seventeenth Article stated: And, with respect to the said Surgeon, of the Name of Thomas, in the said Article mentioned, the said Warren Hastings denies that the said Thomas was patronized by him the said Warren Hastings, or that any Allowance to him did in any Manner arise from the Interference or Recommendation of him the said Warren Hastings; but he says, that the Allowances made to the said Thomas, by the said Vizier, were such as the said Vizier did of himself think proper to make; the said Thomas, although he was not then personally known to the said Warren Hastings, having been, at the express Desire of Shuja Dowla, the late Vizier, sent up to Lucknow, to attend him and his Household, and to furnish Medicines for them and such of his Subjects as might require his Assistance. And, as to the supposed Salary and Emoluments stated in the said Seventeenth Article to have been paid to Major William Palmer therein mentioned, the said Warren Hastings says that the same, if any such were paid, were paid without the Knowledge, Privy, or

Recommendation of him the said Warren Hastings.

A N D the said Warren Hastings says, that in or about the Month of July, in the Year One thousand Seven hundred and Eighty-three, a Paper was received, inclosed in a Letter to the Governor General and Council, from Mr. Bristow, purporting to be a Translation of a Letter from Three Brothers of the said Vizier, in which they did represent themselves to be in Distress for dry Bread and Cloaths; but whether such Distress actually existed, and was relieved by the said Bristow, the said Warren Hastings cannot set forth.

A N D the said Warren Hastings further says, that some Time in the Month of September, One thousand Seven hundred and Eighty-four, the said Warren Hastings being then at Benâres, did receive Information that Mirza Hyder Ally was arrived there; and the said Warren Hastings not knowing before that Time that there was any such Person, did write to the Nabob Vizier to the Purport or Effect following:
 “ A few Days since I learnt that a Person called
 “ Mirza Hyder Ally was arrived at Benâres,
 “ and called himself a Son of the deceased Na-
 “ bob Shuja Dowla; and I was also told that
 “ he came from Fyzabad; as I did not know
 “ whether he left Fyzabad with or without
 “ your Consent, I therefore did not pay him
 “ much Attention; and I now trouble you to
 “ give me every Information on this Subject,
 “ how he came here, and what your Intentions
 “ are

“ are about him; he remains here in great
 “ Distress; and I therefore wish to know your
 “ Sentiments.”

AND the said Warren Hastings further says, that having received an Answer from the said Vizier, he did, on or about the Thirteenth of October, One thousand Seven hundred and Eighty-four, inclose the same in a Letter to the said Mirza, of which Letter the following is a Copy: “ An Answer is arrived to what I
 “ wrote, on your Account, to the Nabob Vizier, which I enclose to you. Having read
 “ it, you will send it back. I conceive you
 “ had better go to the Nabob Vizier’s Presence,
 “ who will certainly afford you Protection and
 “ Assistance. I will write what is proper to
 “ carry with you to the Nabob, and it will, in
 “ every Respect, be for your Good. What-
 “ ever may be your Intention on this Head,
 “ you will write to me.” And the said Warren Hastings submits, that it was no Part of his Duty, as Governor General, to interfere with the said Vizier on Behalf of the said Mirza, or to obtain from the said Vizier any specific Assurances on the Subject.

AND the said Warren Hastings further says, that he was informed that Mirza Jungli, in the said Article also mentioned, did leave his native Country in Distress, and did go to Mirza Shuffy Khan, in the said Article also mentioned. And the said Warren Hastings likewise admits he was informed, that the said Mirza Jungli did afterwards leave the said Mirza Shuffy Khan, and repair to the Camp of Mahdajee Scindia, with

with a view of obtaining some Establishment for himself and Followers.

AND the said Warren Hastings further says, that in certain Letters written by David Anderson Esquire, and John Bristow Esquire, it was represented that the said Mirza Jungli did apply to the said Bristow, through the said Anderson, then on an Embassy in the Camp of the said Scindia; and that in consequence thereof the said Bristow did, amongst other Things, apply to the said Nabob Vizier for a certain Allowance to be made to the said Mirza, and for the regular Payment thereof; and that a certain Allowance was accordingly settled by the said Vizier on the said Mirza. And the said Warren Hastings says, that Information of the above Transactions was transmitted to the Board of Council, and that a Letter from the said Vizier was received on the Twenty-third of August, One thousand Seven hundred and Eighty-two, containing certain Representations of the Distresses of himself and his Family. And he admits, that no Order was made by him the said Warren Hastings for the Provision of any of the said Family, or for the Return of the said Mirza. But the said Warren Hastings denies that he was guilty of any Cruelty, Inhumanity, or Corruption, or of any Misconduct whatsoever, in the Matters aforesaid.

AND the said Warren Hastings further says, that about the Beginning of the Year One thousand Seven hundred and Eighty-four, the said Mirza did apply by Letter to him the

the said Warren Hastings, to use his Endeavours with the said Nabob touching the Business of his the said Mirza's Jaghire. And the said Warren Hastings says, that he did in Answer thereto inform the said Mirza, that he conceived it improper to trouble the said Vizier on the Subject, considering the heavy Expences and Distresses of his the said Vizier's Government at the Time of the said Application to him the said Warren Hastings by the said Mirza. But he denies that such Expences and Distresses were occasioned by any Intrigues or Misconduct of him the said Warren Hastings.

AND the said Warren Hastings further says, That on the Twenty-ninth of January, One thousand Seven hundred and Eighty-four, after the Recal of the said Bristow, he the said Bristow did transmit to the Governor General and Council Two Letters, one dated Twenty-eighth of December, One thousand Seven hundred and Eighty-three, the other Seventh of January, One thousand Seven hundred and Eighty-four, purporting to be written by the said Nabob Behadre, addressed to him the said Bristow, to the Effect in the said Article stated. And the said Warren Hastings admits, that when at Lucknow he did not institute any Enquiry into the supposed Transaction in the said Seventeenth Article stated; or make any Order concerning the said Behadre; and he denies that it was his Duty so to do.

AND the said Warren Hastings denies, that in respect of all or any of the Matters in the said Article stated, he has been guilty of
any

any criminal Neglect or Omission, or of any Misconduct whatsoever; or that he was or is responsible for the Distresses therein supposed to have existed; or that he did bring any Disgrace on the said Nabob; or in any Manner discredit or dishonour the Justice or Humanity of the British Name.

EIGHTEENTH ARTICLE.

AND the said Warren Hastings, in Answer to the said Eighteenth Article, says, that he has frequently expressed his Disapprobation of the System of Interference in Oude by means of an English Resident, and that he did originally oppose the Introduction thereof; but he denies it to have been his Duty to have wholly declined such Interference after the System of such Interference was established, or to have acted in respect to the same in any other Manner, or upon any other Principles, than those by which he was bound to regulate his Conduct in respect to other Matters entrusted to his Discretion. And the said Warren Hastings says, that such Interference was continued with the Approbation of the Governor General and Council, he the said Warren Hastings being Governor General; but he denies that he ever entertained any such corrupt Views as are in the said Article in that Behalf imputed to him. And he says, that the said Governor General and Council did from Time to Time, as the Public Service required, regulate and distribute the Functions

Functions and Powers of the several English Agents by them employed on that Service; but he denies that he ever did, without assigning a Reason for such Measure, or by his sole Authority, and without the Concurrence of the Board, remove any Person intrusted with such Agency. AND the said Warren Hastings denies, that the said Mr. Middleton was recalled at the Time, or upon the Occasion, referred to in the said Article: But he says, that the said Middleton, by a Letter addressed to the Governor General and Council, on the Twenty-third of August, One thousand Seven hundred and Seventy-nine, did ask leave to resign his Office; and his Resignation was thereupon accepted. And the said Warren Hastings denies that Mr. Hosea was ever appointed, or by him agreed to be appointed, to the Residency at Oude; or did, as the said Warren Hastings believes, ever act as Resident: And he further says, that Mr. Purling did, soon after the Resignation of the said Mr. Middleton, succeed to the Residency at Oude, under the Appointment of the Board, and continue therein until he was afterwards removed from, and Mr. Bristow was appointed to, the said Office, in the Month of October, One thousand Seven hundred and Eighty, by a Resolution of the Board, in which the said Warren Hastings did not concur. And he denies, that, upon the Removal of Mr. Purling, Mr. Middleton was restored to or continued in that Office, singly, for a Year, or as is stated in the said Article, or for any other Period of Time.

AND the said Warren Hastings admits that Mr. Bristow, at the Period referred to in

the said Article, came to England, and obtained the Orders of the Court of Directors for his Reinstatement; and that he the said Warren Hastings did, under the Circumstances, and for the Reasons stated in his several Minutes of the Second and Third of October, One thousand Seven hundred and Eighty, and to which he craves Leave to refer, propose, and the Board did resolve, to limit Mr. Bristow's Appointment solely to the Conduct of such political Negotiations, Correspondence, and Transactions, as that Government might then, or at any future Period, be engaged in with the Vizier; and that he should, in no Shape, interfere in any Matters respecting the Company's Pecuniary Engagements with his Excellency; and that Mr. Nathaniel Middleton should be appointed Agent, on the Part of Government, for receiving, collecting, and managing the Tuncaws, or Assignments, which had been, or might thereafter be, granted by the Nabob for the Liquidation of the Claims of that Government upon him; and that he should be further intrusted with the Adjustment of the Accounts and Disbursements relative thereto; and that he should be directly answerable to the Authority and Orders of the Governor General and Council, and in no Respect whatever dependant on, or connected with, the Office of Resident. And he denies that the Appointments last mentioned had the Tendency, or were of the Nature, stated in the said Article. AND the said Warren Hastings denies that he ever neglected to answer any Letter of the said Bristow which it concerned the Duties of his Situation or the public Interest that he should have answered,

answered, or that he neglected to give him any Instruction which he ought to have given, or that he prevented the Nabob from conferring with him on any Affairs whatsoever, as alledged in the said Article.

AND the said Warren Hastings denies that the said Bristow was afterwards removed upon a Pretence only that he was disagreeable to the Nabob; for he says that he was removed by the Governor General and Council, the said Warren Hastings being then Governor General, in consequence, amongst other Things, of an urgent Request for that Purpose contained in a Letter from the Nabob, received by the said Warren Hastings on the Twentieth of May, One thousand Seven hundred and Eighty-four, and by him laid before the Board. And the said Warren Hastings avers, that the Removal of the said Bristow was, in the then Situation of the Affairs of the Company and the said Nabob, a proper and expedient Measure.

AND the said Warren Hastings says, that the said Middleton was afterwards by the Governor General and Council, the said Warren Hastings being then Governor General, re-appointed to the Office of Resident, together with Mr. Johnston as his Assistant therein; and that Mr. Bristow was afterwards again appointed by the Governor General and Council, the said Warren Hastings being then Governor General, to be Resident at Oude. And the said Warren Hastings says, that he did, in a Letter addressed by him to the Court of Directors, and dated the Twen-

tieth of March, One thousand Seven hundred and Eighty-three, declare as follows: " When
 " the State of this Administration was such as
 " seemed to admit of the Appointment, with-
 " out much Diminution of my own Influence,
 " I gladly seized the Occasion, to shew my
 " Readiness to submit to your Commands. I
 " proposed his Nomination (meaning the No-
 " mination of the said Bristow): He was no-
 " minated, and declared to be the Agent of
 " my own Choice." And the said Warren
 Hastings did, in the said Letter, farther repre-
 sent to the said Court of Directors in what Man-
 ner he apprehended that such Diminution of his
 Influence would be detrimental to the Affairs
 of the Company: But for the full and particular
 Contents of the said Letter, the said Warren
 Hastings craves Leave to refer thereto, when
 the same shall be hereafter produced.

AND the said Warren Hastings says, that
 he did, in a Letter to the Vizier, declare to
 the Effect stated in the said Article, in order
 to obviate the mischievous Consequences which
 he apprehended might follow from the apparent
 Diminution of his Authority.

AND the said Warren Hastings says, that
 Mr. Bristow was afterwards removed by the Au-
 thority of the Governor General and Council,
 he the said Warren Hastings being then Go-
 vernor General; but he denies that he did, by
 means of such Removal, seek to obtain, or did
 in Effect obtain, the said Office of Resident for
 himself, or that he did ever perform the Func-
 tion of the said Office himself; but he says that
 the

the said Bristow was removed for Reasons sufficiently authorizing such Removal; and for an Account of such Reasons, as well as for the Proceedings of the Board upon that Occasion, the said Warren Hastings craves Leave to refer to his Answer to the Nineteenth Article hereinafter made. And the said Warren Hastings says, that he did, early in the Year One thousand Seven hundred and Eighty-four, proceed to Lucknow, for the Purpose of regulating the Company's Interest in the Province of Oude, at the Invitation of the Vizier, and under the Authority and Delegation of the Government of Bengal. AND the said Warren Hastings, denying that he left the Office of Resident in the Possession of Major Palmer in the said Article mentioned, says, that upon his Return from Lucknow, in the Month of August, One thousand Seven hundred and Eighty-four, Major Palmer was left by him in Charge of certain Public Concerns there. And the said Warren Hastings denies that he ever sought or entertained any such Object or Purposes as are stated in the said Article, or that he ever usurped the sole, immediate, or personal Nomination of Public Residents, such Residents having been in every Instance appointed and removed by the Board. And he further denies that he ever changed them at his own arbitrary Pleasure. And the said Warren Hastings admits that he wrote to, and received from, Persons occasionally bearing the Office of Resident at Oude, sundry Private Letters which are not entered on the Public Consultations. And he denies that he was by Law bound so to have entered the same. And he denies, that in any Instance in which he

he produced Extracts of such Correspondence he was by Law required to make any further or other Communication of such Correspondence than he actually made in such Instance. And he denies, that in respect thereto, he was actuated by any sinister, corrupt, or improper Views or Designs whatsoever.

AND the said Warren Hastings says, that he did occasionally correspond and communicate with the Residents at Oude for the Time being, by means of various Persons; but he denies that his Conduct in this Respect was in any Manner improper.

AND the said Warren Hastings denies, that he did by his Influence prevail with the said Vizier originally to appoint the said Hyder Beg Khan to be his Minister, or to continue him in that Office against the Will of him the said Vizier. And the said Warren Hastings admits that the said Hyder Beg Khan did in a Letter, dated the Seventh of April, One thousand Seven hundred and Eighty-three, being at a Time long subsequent to his Appointment to the Office of Minister to the said Nabob, use such Expressions of Obedience and Submission to the said Warren Hastings, and make such Declarations, as are in the said Article stated; but he denies that the said Hyder Beg Khan was in fact dependant upon him the said Warren Hastings, or that the said Declaration of the said Hyder Beg was by him meant in the Sense which the Terms of that Declaration literally import; but for his true Meaning therein, the said Warren Hastings craves Leave

to

to refer to the Letter of the said Hyder Beg, containing the same, when it shall be hereafter produced.

AND the said Warren Hastings admits, that he did declare his Belief that the said Hyder Beg Khan had affixed the Name and Seal of the Nabob to Letters without his Consent, and that the Nabob was in Effect a Cypher in his Hands.

AND the said Warren Hastings says, that he has occasionally disapproved and endeavoured to controul the Conduct of the said Hyder Beg, with whose Administration of the Government of Oude the Interests of the East India Company were in some Respects materially connected. And the said Warren Hastings, as to the Menaces in the said Article supposed to have been held out by him to the said Hyder Beg Khan, says, that he did, in a certain Letter to the said Hyder Beg Khan, which he presumes to be alluded to by the said Article, express himself as follows: " As the first Effect of your
 " Exertions, I require that the Balance which
 " is due to the Company be fully cleared by
 " the End of the Year, so that not an Anna
 " shall remain in Arrears.—I have a Right to
 " exact this Return to the Confidence which
 " the World has seen me place in you, and
 " to the good Offices which the Friendship
 " of the Nabob Vizier has enabled me to afford
 " you.—If I am disappointed, you will impose
 " on me the painful and humiliating Necessity
 " of acknowledging to him that I have been
 " deceived, and of recommending the Examination of your Conduct to his Justice, both
 " for

“ for the Redress of his own and the Com-
 “ pany’s Grievances, and for the Injury sustain-
 “ ed by both in their mutual Connexion.” And
 the said Warren Hastings submits, that neither
 the Object or the Terms of this Representa-
 tion were in any Respect improper. And the
 said Warren Hastings says, that he did, in certain
 Instructions to Major Palmer, dated the Sixth
 of May, One thousand Seven hundred and
 Eighty-two, state, amongst other Things, as fol-
 lows : “ You may assure the Nabob that we will
 “ never interfere in his Affairs beyond his own
 “ Desire, nor make any Claim upon him but
 “ for what may remain of his Debt to the Com-
 “ pany, the Payment of his Subsidy, and of
 “ the future Charges incurred by other De-
 “ tachments employed at his Requisition, and
 “ for his Defence. Much Delicacy and Caution
 “ will be required in your Declarations on this
 “ Subject, lest they should be construed to ex-
 “ tend to an immediate Change in the Admi-
 “ nistration of his Affairs, or to the Instru-
 “ ments of it ; their Persons must be considered
 “ as sacred, whilst they act with the Participa-
 “ tion of our Influence.”

AND the said Warren Hastings says, that
 he did, in the Discharge of his official Duty,
 hold Communications through different Persons
 with the said Hyder Beg Khan and the said Na-
 bob ; but he denies that he did, contrary to Law
 or his Duty, omit to produce any such Commu-
 nications, or any Part thereof ; and he says,
 that he did, at different Times, receive various
 Complaints from the said Hyder Beg against
 British Residents in Oude, all which Complaints
 were laid before the Board of Council, and were
 by

by them proceeded upon as the Nature of such Complaints required. But the said Warren Hastings denies, that he did act thereupon in such Manner as in the said Article is stated. And he further denies, that he did unlawfully, or contrary to his Duty, or with any of the Views, or for any of the Purposes, stated in the said Article, send up to Lucknow the said Major Palmer and Major Davy; but he admits, that he did, in certain Letters to the Vizier, make use of the Expressions concerning Major Palmer stated in the said Article. And the said Warren Hastings denies that he did transmit, through the said Agents, divers Letters to the said Minister, or the said Nabob, of which the Public Residents did not receive any Copy or Translation, or of the Contents of which they were not authentically informed; and he says that, in Letters to the said Nabob, and to the said Hyder Beg, entered on the Public Consultations, there do appear References to the said Major Palmer, but not to the said Major Davy, for further Information; and he denies, that any Letters have been illegally or improperly by him suppressed, or that he ever did, without due Examination of their respective Merits or Demerits, take part either with the Resident or Minister, or wilfully, or for any evil Purpose, in any Manner abet or ferment any Disturbances or Distractions whatsoever. AND the said Warren Hastings says, That he did, in consequence of certain Accounts which he had then lately received of the Neglect and Misconduct of the said Hyder Beg Khan, write to the said Hyder Beg Khan such Letter of Complaint and Remonstrance as is referred to, in the said

G g Article,

Article, and already in Part recited in this Answer, and to which he craves Leave to refer: And that he afterwards received a Letter from the said Major Palmer to the Effect stated in the said Article, and that he did transmit to the Board of Council a Letter from the said Hyder Beg to the said Major Davy, containing Charges against the said Johnstone; and he says, that as well in consequence of those Letters, as of various other Informations received by him relative to the distracted State of the Vizier's Country, the Truth whereof the said Warren Hastings had Reason to believe, and which appeared to him to prove the Neglect of the then acting Resident, he did recommend to the Board at Calcutta (which he was then unable from Illness to attend personally) to order the said Johnson immediately down to Calcutta, and that the Commanding Officer at Cawnpore should be directed, in case of the Disobedience of Mr. Johnson, to see the Orders of the Board enforced; and he further expressed his Opinion, that a Copy of the Orders of the Board should be transmitted to Mr. Middleton, that he might likewise assist in the Execution of them; which Recommendation of the said Warren Hastings, the Board accordingly adopted. And the said Warren Hastings denies, that he had at any former Time received any Charges against Mr. Johnson of a Nature equally alarming with those contained in the Letters herein last mentioned. AND the said Warren Hastings says, that he did, after the Recall of Mr. Johnson, on the Twentieth of October, One thousand Seven hundred and Eighty-two, in a Letter of that Date, express his Disapprobation of the Conduct of
the

the said Hyder Beg Khan. But he says, that the Subject of such Letter was wholly foreign to any Matter of Charge against the said Johnson, and unconnected with the Causes of his Removal. And the said Warren Hastings says, that he did in a Letter dated the Twenty-second of September, One thousand Seven hundred and Eighty-two, and to which Letter he prays Leave to refer, recommend to the Board the Recal of the said Middleton, on certain Grounds therein stated. And he did, in his said Letter, state, that the said Middleton had failed in his Duty in not having carried into Execution the Conditions and Spirit of the said Treaty. But he denies that such Recal was contrary to good Faith, or that he did ever make any such Promise, as in the said Article is stated.

AND the said Warren Hastings denies that he did, by all or any of the supposed Means stated in the said Article, ever throw any Difficulties or Discouragements in the Way of any Resident; or that he was guilty of any such Conduct with respect thereto, as is stated in the said Article; or that he did upon any such supposed System, or under the Influence of such supposed Motives, as are in the said Article suggested, or in any other Manner whatsoever, ever weaken or render odious the British Government, disturb or distract the Government of Oude, disorder the Company's Affairs, protract the Payment of the Debt due to the said Company from the said Nabob, or give any Incitement to Rapacity or Peculation, as in the said Article is charged against him.

NINETEENTH ARTICLE.

IN Answer to the Nineteenth Article, the said Warren Hastings says, that in the Month of September, One thousand Seven hundred and Eighty-two, believing the Affairs of Oude to have been long in all ill Condition, owing to the Mismanagement that prevailed therein, and to other Causes, he did write the following Letter to the Council General at Fort William, bearing Date, upon the Ganges near Tooktagore, Twenty-second September, One thousand Seven hundred and Eighty-two, at which Place he was then confined by Illness :

“ Gentlemen,

“ A few Days before my present Indisposition
 “ commenced, I informed you, that I was sorry
 “ to find that the Resident at the Vizier’s Court
 “ had evidently failed in his Duty to this Go-
 “ vernment, in not having carried into Execu-
 “ tion the Conditions and Spirit of the late
 “ Treaty with the Vizier. I had farther the
 “ Mortification to be obliged to inform you,
 “ that neither the Resident, nor his Deputy in
 “ his Absence, had communicated to me the
 “ Confusions which had arisen in the Vizier’s
 “ Dominions from a Neglect or Violation of the
 “ Treaty. The Letters which I wrote in con-
 “ sequence of such Mismanagement to the
 “ Resident, and to the acting Minister of the
 “ Vizier, were laid before you and approved.
 “ Upon

“ Upon the same Occasion I observed to you,
 “ that the Obstacle which opposed itself to the
 “ Nomination of Mr. Bristow to the Resident-
 “ ship at Oude no longer existed; it was remov-
 “ ed by my having vindicated what must ever
 “ be esteemed one of the necessary Privileges of
 “ this Government. I had the Pleasure of
 “ finding, upon the most impartial Enquiry,
 “ that the Conduct of Mr. Bristow, during his
 “ former Residence at the Court of the Vizier,
 “ had been proper and attentive. I accord-
 “ ingly wished to recommend him to succeed
 “ the present Resident, provided the Vizier had
 “ no reasonable Objections to his Appointment.
 “ I have now great Satisfaction in informing
 “ you, that my Letter to the acting Minister
 “ of the Vizier has had the happiest Effect in
 “ realizing the heavy Balances due to the Com-
 “ pany from Oude; and it is said, that the
 “ present Resident and his Deputy are brought
 “ to a proper Sense of their Duty to the Com-
 “ pany. But as in every Act of my Admini-
 “ stration of the Affairs of the Company, I never
 “ had an Object in View but their permanent
 “ Interest, as far as my Judgment could direct
 “ me; and as Prejudice in favour of those in
 “ whom I have confided, or against those who
 “ opposed me, vanish in my Mind when the
 “ Good of the Service requires it, I now wish
 “ you to recal Mr. Middleton from the Court
 “ of the Vizier, and to appoint Mr. Bristow in
 “ his room. My weak State of Health obliges
 “ me to dictate this Letter from my Bed; yet
 “ I cannot but add, that your Instructions to
 “ Mr. Bristow should be strong and positive
 “ upon Three Points: First, that he should al-
 “ ways

“ ways shew every possible Respect to the Vizier
 “ and his Family; Secondly, that he should
 “ take the most effectual Steps for securing all
 “ that may remain unpaid of the Company’s
 “ Balances; Thirdly, that the Security and in-
 “ ternal Peace of the Vizier’s Dominions, and
 “ the Happiness of the People, should be con-
 “ tinually in his View; and that he should
 “ communicate fully and freely with this Go-
 “ vernment upon those Subjects. The State of
 “ my Health requires my proceeding farther up
 “ the River, and I shall communicate to Mr.
 “ Bristow, with your Approbation, any more
 “ particular Instructions that may occur to me,
 “ and that I may be able to send him.”

AND the said Warren Hastings says, that
 the said Board of Council in the said Month of
 September, One thousand Seven hundred and
 Eighty-two, in conformity to the Recommend-
 ation of the said Warren Hastings, resolved to
 recal the said Nathaniel Middleton Esquire im-
 mediately from the Vizier’s Court, and to ap-
 point the said John Bristow Esquire to succeed
 the said Middleton in the Office of Resident at
 the said Vizier’s Court.

AND the said Warren Hastings further says,
 that, in consequence of a Reference from the
 said Board, fundry Instructions for the Conduct
 of the said Bristow in his said Office, were drawn
 up by the said Warren Hastings, on the Twenty-
 second October, One thousand Seven hundred
 and Eighty-two, and submitted to the Board for
 Correction and Approval, and were, by Order of
 the Board, transmitted to Mr. Bristow by their

Secretary; but he denies that it was thereby intended to invest the said Bristow with the Power of reforming, by his own Authority, and without the Consent and Approbation of the said Nabob Vizier, the Abuses which prevailed in the said Nabob's Dominions; or that the said Warren Hastings did, in Effect and Substance, authorize or require the said Bristow to exercise all the Functions of Government; and the said Warren Hastings, as to the Particulars of the written Instructions by him given to the said Bristow, from which certain Parts or Extracts are, in the said Nineteenth Article, set forth, craves Leave to refer your Lordships to the said Instructions, when the same shall be hereafter produced: And he says, that the said Instructions were in the then State of the Dominions of Oude, according to the Opinion which the said Warren Hastings then entertained of such State, proper and necessary to be given. And the said Warren Hastings did also give the said Bristow sundry verbal Instructions, in which the said Bristow was, amongst other Things, enjoined to treat the said Nabob Vizier with every possible Delicacy, Conciliation, and Attention: But the said Warren Hastings denies that either the said written or verbal Instructions were intended to have, or had, in fact, such Meaning or Effect, or were intended to convey, or did, in fact, convey, such Powers to the said Bristow, as are in the said Nineteenth Article stated.

AND the said Warren Hastings says, that he was bound to give all due Support to the said Bristow, so long as he performed the Duty of his said Office, and so long as it was consistent with
the

the Public Welfare, that he should continue to hold the same.

AND the said Warren Hastings denies, that he did conceive any Animosity against the said Bristow, on account of his original Appointment to Office, or that he did seem to resent, or did, in fact, resent, any Claim the said Bristow had to Office; or that he did contrive, in any Manner, to betray or injure, or that he did ever, in fact, betray or injure, the said Bristow. And the said Warren Hastings also denies, that he did contrive, for any Purpose whatsoever, to increase, or that he did, in fact, increase, any Disorders in Oude; or that he ever entertained any of the corrupt or self-interested Purposes by the said Article imputed to him; or that he did ever endeavour to counteract any proper Endeavours of the said Bristow to procure a Reformation of the said Disorders, or that the said Warren Hastings did uphold or maintain the said Hyder Beg Khan in Opposition to all or any of the necessary Plans of Reform, by himself the said Warren Hastings ordered nor directed.

AND the said Warren Hastings says, that he did order the said Bristow to endeavour to obtain an early and minute Information of the State of the Provinces of Oude especially, and the rest of the Nabob Vizier's Dominions, and to report the Result of his Enquiries to the Governor General and Council, and that it was the Duty of the said Bristow to inform the said Governor General and Council, from Time to Time, of the Progress made in the Execution of the aforesaid Instructions, and the Obstructions he might meet with therein. And the
said

said Warren Hastings admits also, that he had made it an Article of Accusation against the former Resident Middleton, that he had not regularly corresponded with the Governor General and Council; but he denies that the said Bristow did diligently and properly pursue the Objects entrusted to his Care, or that he did faithfully represent to him the several Matters in the said Nineteenth Article in that Behalf stated. And the said Warren Hastings further says, that relying on Representations made by the said Bristow, which he afterwards found to be partial and defective, he did concur with the Board of Council, in a Letter, bearing Date the Third Day of March, One thousand Seven hundred and Eighty-three, approving certain Measures of the said Bristow therein referred to; but he denies that he secretly gave, or countenanced others to give, an Opposition to the said Measures of the said Bristow; though he admits that he did publicly in Council, as Governor General, express his entire Disapprobation of many of the Measures of the said Bristow, when the same came under the Consideration of the Board; and that he did also, from Time to Time, propose in Council such other Measures as appeared to him necessary and proper for preventing the evil Consequences of the Measures adopted by the said Bristow. And the said Warren Hastings says, that he did not carry on any Private Correspondence with the said Bristow distinct from that of the Board; but the said Warren Hastings says, that the Public Communication and Correspondence between the said Bristow and the said Warren Hastings, as Governor

General, and the Council, was constantly kept up during the whole Time that the said Bristow continued to hold the said Office of Resident; and the said Warren Hastings did repeatedly and strongly press the Board of Council to form and send such Instructions and Directions to the said Bristow as they might judge to be necessary and proper. And the said Warren Hastings denies that he was guilty of any Omission, Neglect, or Delay in this Behalf. AND the said Warren Hastings denies that he did, for the Purpose of preventing the Council from giving a Support to any necessary Reforms in Oude, or for any other Purpose, maliciously, wilfully, perfidiously, or fraudulently, or against Law or his Duty, hold back any Letter whatsoever; but he admits that a Letter was received from the said Bristow, bearing Date the Twelfth December, One thousand Seven hundred and Eighty-two, which Letter was immediately or soon after shewn to the several Members of Council. AND the said Warren Hastings admits, that the said Bristow, in his said Letter of the Twelfth December, and in other Letters addressed to the said Warren Hastings, of the several Dates in the said Article in that Behalf mentioned, did make sundry Complaints respecting the said Hyder Beg Khan; which Letters, with their Inclosures, being separately addressed to the said Warren Hastings, were not entered on the Proceedings of the said Board of Council till the Twenty-first April, One thousand Seven hundred and Eighty-three: But the said Warren Hastings denies that he disregarded the Representations of the said Bristow. AND the said Warren Hastings

Hastings further says, that having received Two Letters from the said Nabob Vizier, containing various Complaints and Charges against the said Bristow, and representing the Measures pursued by the said Bristow to be an Usurpation on his the said Nabob's Authority, but which Measures the said Warren Hastings denies to have been pursued under any Authority from him the said Warren Hastings, did, on the said Twenty-first of April, One thousand Seven hundred and Eighty-three, as he conceived it was his Duty to do, produce and submit to the Consideration of the Council the said Two Letters of the said Nabob Vizier, together with the aforesaid Six Letters from the said Bristow, and Three Letters from the said Hyder Beg Khan.

AND the said Warren Hastings admits that he did afterwards produce to the Council various other Letters from the said Nabob, from Time to Time, as they were received, containing repeated Complaints and Charges against the said Bristow, who, on his Part, wrote to the said Board of Council various Letters of Complaint against the said Nabob Vizier and the said Hyder Beg Khan.

AND the said Warren Hastings, craving Leave, as before, to refer to the said written Instructions to the said Bristow hereinbefore mentioned, and also craving Leave to refer to a certain Letter addressed to the said Hyder Beg Khan, by the said Warren Hastings, which the said Bristow was empowered, if he should think fit, to deliver to the said Hyder Beg Khan, and

from which certain Passages are stated in the said Nineteenth Article, relative to the said Hyder Beg Khan and the said Nabob Vizier, the said Warren Hastings says that he did, upon mature Deliberation, and after having carefully examined all the Information he was able to procure, consider the aforesaid Letters from the said Nabob as his own, and as written from Impressions on his the said Nabob's own Mind; and he denies that the same were of such Nature or Tendency as in the said Nineteenth Article is stated, or that the Declarations of the said Warren Hastings, in the said Nineteenth Article alluded to, were properly applicable to them, or that he had in this Case any Reason to consider the said Letters as written to promote the Interests of the said Hyder, and not the Independency of the said Vizier.

AND the said Warren Hastings admits that he received several Letters from the said Hyder Beg Khan, containing various Complaints and Charges against the said Bristow, which the said Warren Hastings having submitted to the Consideration of the Board, the same were entered on their Proceedings; and the said Warren Hastings, for the several Contents thereof, craves Leave to refer to the same: And he denies that he considered the said Letters as amounting to Proofs of all the Facts related in them, or that, in forming his Judgment upon them, he omitted to give to every Circumstance that could properly operate against the Credit of any of the said Letters its due Weight; but the said Warren Hastings submits that it was the Duty of him the said Warren Hastings, and the Council,

cil, to receive the said Letters, and to pay Attention thereto, as forming a necessary Part of the Information by which the Measures of the said Governor General and Council were to be governed: And the said Warren Hastings denies that the said Hyder Beg Khan, and the said Palmer, could properly be considered in the Light in which they are represented in the said Nineteenth Article, or that the said Warren Hastings did in any Manner violate or disregard Decency or Justice, or that he did attempt to deprive the said Resident of his Office, in the Manner stated in the said Article.

AND the said Warren Hastings says, that on laying the aforesaid Letters before the Board, on the Twenty-first April, One thousand Seven hundred and Eighty-three, he delivered a Minute, in the following Words: " The Governor General lays before the Board the
 " accompanying Letters and Papers received
 " from the Nabob Vizier, and his Minister
 " Hyder Beg Khan, containing various Complaints and Charges against Mr. Bristow, for
 " Acts said to be done by him, in his official
 " Character, since his last Appointment of
 " Minister at the Court of Lucknow, and
 " grounded on the Instructions given to him by
 " the Board, through the Governor General.
 " The Governor General desires the Board to
 " consider the delicate Situation in which he
 " stands, both with respect to the Nabob Vizier
 " and Mr. Bristow, and which they well know
 " to be particularly distressing, on an Occasion
 " of this Nature. He wishes, for this Reason,
 " to follow the Line which they may prescribe,
 " rather

“ rather than recommend what in his Judg-
 “ ment may be requisite to the several Points
 “ offered to their Deliberation in these Papers;
 “ and shall wait for their Opinion upon them,
 “ before he delivers his own, if the Board, in
 “ Relief to him, will admit of this Mode for
 “ the Discussion of the general Subject. The
 “ Governor General desires that his Instruc-
 “ tions given to Mr. Bristow, which were read
 “ to the Members of the Board, and minuted,
 “ in Consultation, on the Twenty-fourth Oc-
 “ tober last, may be now entered, and prefixed
 “ to the accompanying Letters.”

AND the said Warren Hastings further says,
 that the Council having taken no Notice of the
 aforesaid Letters, he did again draw their At-
 tention to the same, on the Nineteenth May,
 One thousand Seven hundred and Eighty-three,
 by a Minute, in the following Words: “ I
 “ beg leave to remind the Board of the Papers
 “ which I laid before them on the Twenty-first
 “ of April, respecting the Complaints preferred
 “ by the Nabob Vizier against Mr. Bristow.
 “ The Facts, as stated in these Complaints, are
 “ certainly Usurpations of the Authority and
 “ even of the Sovereignty of the Nabob Vizier.
 “ They are affirmed to have been justified by
 “ an Appeal to my Instructions. It therefore
 “ becomes me most particularly to endeavour
 “ to redress them, or to remove the Grounds
 “ on which they are said to have been produ-
 “ ced; for which Effect I do, in the First Place,
 “ disavow having given him any Instructions
 “ intended for such Purposes; and, in the Se-
 “ cond, I do, as it is my Duty, move the Board

“ to transmit to Mr. Bristow the Papers contain-
 “ ing the Charges against him, to require him
 “ to reply to them ; and, in the mean Time,
 “ if he shall have appointed any Person or Per-
 “ sons to the Charge of the Offices appertaining
 “ to the Administration of the Nabob Vizier,
 “ that he do immediately revoke the Appoint-
 “ ment, and confine himself solely to the Charge
 “ of such Affairs as appertain to the Com-
 “ pany, in the Department specially allotted to
 “ him, leaving to the Nabob Vizier the entire
 “ and uncontrolled Management of his own
 “ Concerns.”

AND the said Warren Hastings says, that
 the Members of Council did in their several Mi-
 nutes delivered on that Occasion declare, amongst
 other Things, their Opinions, that the said
 Bristow should be called upon for his Defence,
 in Answer to the Charges made against him.

AND the said Warren Hastings says, that
 further Letters of Complaints having been re-
 ceived and laid before the Board on the follow-
 ing Day, the said Warren Hastings did on a
 Minute on the Twenty-second May, One thou-
 sand Seven hundred and Eighty-three, declare,
 that he meant not to condemn Mr. Bristow, nor
 was his Accuser: That it was highly proper
 and regular that he should be furnished with the
 Complaints which had been preferred against
 him, and his Defence received, or Time allowed
 to make it, before any Measures were taken
 with respect to him personally, or his Office.
 And the said Warren Hastings did also declare,
 that he did repeat the Motion which he had al-
 ready

ready made to the Board, that Mr. Bristow should be furnished with Copies of the Papers containing the Charges against him: That the Board should require him to reply to them; which the Board did accordingly resolve and order.

AND the said Warren Hastings says, that some Time having elapsed without any Answer received from the said Bristow, the said Warren Hastings did, on the Twenty-fourth July, One thousand Seven hundred and Eighty-three, deliver the following Minute: " I complain to
 " the Board of the Disrespect which has been
 " shewn to it, and Disobedience to its Com-
 " mands, by Mr. Bristow. Six complete Weeks
 " have elapsed since he acknowledged the
 " Receipt of the Orders of the Twenty-ninth
 " May, which required him to reply to the
 " Charges preferred against him by the Nabob
 " of Oude. To these he has not yet replied,
 " but either remains in the Possession of an
 " usurped Despotism, scandalous to this Go-
 " vernment permitting it, or treats its Autho-
 " rity with an insolent and presuming Indiffer-
 " ence, by a Silence equally culpable, whether
 " he is innocent or guilty of the Facts of which
 " he has been accused, or of the Criminality
 " imputed to them. Perhaps Mr. Bristow may
 " wish to avail himself of the Principle which
 " forbids that any Man shall be condemned
 " unheard, to withhold his Defence until he
 " shall either have exceeded the Period which
 " has been so repeatedly portended for the Close
 " of the present Government, or until he shall
 " have concerted other Means for eluding the
 " Effect

“ Effect of an Inquiry ; in the mean Time the
 “ Justice of the Board is liable to be arraigned
 “ by suffering such Delays. It is now Four
 “ Months since the Nabob Vizier transmitted
 “ his Grievances to me, and more than Three
 “ since they were formally made known to
 “ the Board. On these Grounds I hope the
 “ Board will agree with me in the Resolution
 “ of bringing this Business to a Decision,
 “ without suffering it to depend on the longer
 “ Pleasure of Mr. Bristow ; and that they will
 “ allow me to bring it before their Notice for
 “ that Purpose on Monday next.”

AND the said Warren Hastings did on the
 Twenty-eighth of the same Month of July
 deliver the following Minute : “ Conformably
 “ to the Declaration made and recorded by me
 “ in Consultation of the Twenty-fourth instan-
 “ I now move, That Mr. Bristow, for Disrespect
 “ of the Board and Disobedience of the Letter
 “ written to him by the Board on the Twenty-
 “ ninth of May, and acknowledged by him on
 “ the Thirteenth June, in having to this Time
 “ avoided or neglected to reply to the same,
 “ be removed and recalled from his Station
 “ and Office at Lucknow.” But the said
 Warren Hastings says, that his said Proposal
 was negatived by the Board.

AND the said Warren Hastings, as to the
 Particulars of the several other Minutes deli-
 vered in Consultation on the aforesaid Subject,
 craves Leave to refer your Lordships to the
 same, as entered on the Consultations of the
 Governor General and Council of Fort William.

And the said Warren Hastings says, that conceiving the said Bristow to have perverted the Sense of the aforesaid Instructions in every Application of them, and to have totally neglected to obey their obvious Meaning, he did on the Twenty-eighth October, One thousand Seven hundred and Eighty-three, write to the said Bristow, declaring that such were no longer the Instructions of him the said Warren Hastings, and that they should not be vouched as any Authority from him, and required the said Bristow to cease to act under them as such. But the said Warren Hastings says, that previous to the Writing of such Letter he had repeatedly called upon the Board of Council to furnish the said Bristow with other Instructions adapted to the Opinion which they entertained of the Conduct proper to be pursued by the said Bristow. And the said Warren Hastings denies that he did leave the said Bristow entangled in any Plots or Conspiracies of any Agents or Instruments of him the said Warren Hastings; or that to his Knowledge or Belief any Plots or Conspiracies of any Kind were formed by any Agents or Instruments of him the said Warren Hastings.

AND the said Warren Hastings denying that, in any of the Proceedings respecting the said Bristow, he was actuated in any Manner by the Views or Motives in the said Nineteenth Article stated, and humbly craving Leave to refer your Lordships for his Answer as to so much of the said Nineteenth Article as relates to the Delegation or Commission given to the said Warren Hastings, to act for the whole Board in Oude in the Month of January, One thousand Seven hundred and Eighty-

Eighty-four, to his Answer on that Subject in the next Article of Impeachment, herein after set forth, the said Warren Hastings denies, that he caused any Accusations to be renewed against the said Bristow, either on the Part of the said Nabob Vizier, or the said Hyder Beg, or any other Person or Persons, or that he conducted himself in an unjust, violent, or intemperate Manner, or that he used any Partiality with regard to the Accusers of the said Bristow, or acted under any Prejudice against the accused, or that he was guilty of any Violation of Duty in all or any of the said Proceedings respecting the said Bristow, or that he caused or instigated the said Vizier to make any Lamentations of his Situation, or to call for the Presence of him the said Warren Hastings in Oude; but he says, that the said Nabob Vizier did, of his own Accord, and without any Suggestion or Application whatsoever from the said Warren Hastings, directly or indirectly made, write sundry Letters, describing his Uneasiness and Distress, and soliciting the Presence of the said Warren Hastings in Oude, as the Means of quieting his Mind and re-establishing his Affairs. And the said Warren Hastings, denying that he did cause or foment any Discontents or Disorders, or that he did, by any such supposed Acts or Violences as are in the said Nineteenth Article stated, or by any other unwarrantable or improper Acts whatsoever, obtain the Removal of the said Bristow from his said Office of Resident, or the Delegation of himself the said Warren Hastings to the Court of Oude, or his Appointment to any Office whatsoever;

and the said Warren Hastings says, that the Governor General and Council did, in the Month of December, One thousand Seven hundred and Eighty-three, resolve to remove the said Bristow from his said Office, upon a Conviction of the Propriety and Necessity of that Measure, as considered with a view to the Welfare and Interests of the East India Company, and the Rights of the said Nabob Vizier. And the said Warren Hastings craves Leave to refer to the Proceedings of the said Board for an Account of the said Measure, and their Reasons for the same, together with the Circumstances which preceded and attended the Execution thereof.

AND the said Warren Hastings denies, that he did ever countenance an Opposition to the Establishment of Courts of Justice in Oude, or that he is guilty of all or any of the Acts or Neglects of Duty, or of any of the supposed Offences or Instances of Misconduct, in the said Nineteenth Article set forth, or that any Measures by him pursued did produce any such Effects as are in the said Article stated, or that he was the Cause of any Want of Security to the Property or Lives of the Inhabitants, or of any Evils, Mischiefs, Disorders, Tumults, Robberies, or Murders, as in the said Nineteenth Article is charged against him.

TWENTIETH ARTICLE.

IN Answer to the Twentieth Article, the said Warren Hastings says, that the Nabob Vizier being, in the Year One Thousand Seven hundred and Eighty-three, indebted in a large Sum of Money to the East India Company, and having offered to find Security for the Payment thereof, as well as for the Demand of the current Year, on condition that John Bristow Esquire, then Resident at his Court, and William Cowper Esquire, Assistant to the said Bristow, should be recalled, and the Residency at his Court entirely withdrawn, the said Warren Hastings did, in the Month of July, One thousand Seven hundred and Eighty-three, propose that the said Offer should be accepted; but the said Proposal was, by the Majority of the Board of Council, rejected. And the said Warren Hastings further says, that the said Majority did afterwards, by a joint Minute, dated Thirty-first December, One thousand Seven hundred and Eighty-three, propose to accept the said Offer, on condition that the said Warren Hastings would hold himself responsible to the said Company and to the Public for the faithful Performance of certain Engagements on the Part of the said Vizier and his Ministers, to wit, That the Balance due to the said Company should be paid into their Treasury by Bills on creditable Bankers, payable Half in One Month and the remaining Half in Two Months from

the Date of the Surrender by the said Bristow to the said Vizier of his said Office; which Proposal the said Warren Hastings did decline to accept, conceiving that it was thereby meant, that he should be personally responsible for any Failure that might happen of the said Payments within the Time aforesaid. But the said Majority having, in a subsequent Minute, dated Thirty-first December, One thousand Seven hundred and Eighty-three, explained the Responsibility proposed in the former Minute to mean such Obligations as constituted Responsibility in a decided Recommendation of any Measure contrary to the general Opinion of the Board; the said Warren Hastings did agree to become specially responsible for the Propriety of accepting the Offer made by the said Vizier and his Minister for the Payment of the Balance due to the Company, and for the current Demands of the Year, under the express Condition that the said Bristow, and William Cowper Esquire, Assistant to the said Bristow, should be recalled. And the said Warren Hastings says, that he did, on or about the Twenty-first January, One thousand Seven hundred and Eighty-four, receive from the Board of Council, certain Credentials, whereby he was invested with the full Power and Authority of the said Board (so far as the same could be legally delegated) for the Accomplishment of certain Objects in the said Credentials particularly specified. And the said Warren Hastings admits, that he did proceed to Lucknow and return to Calcutta on the Days in the said Article mentioned. And the said Warren Hastings denies, that the said Commission was unnecessary,

cessary, or that the Expences attending the said Delegation did amount to the Sum of Money in the said Article mentioned; but he admits, that he did take with him several English Gentlemen; he denies however, that the Number of them was unnecessary, or that any Burthen was thereby brought upon the Nabob; or that the taking such Gentlemen with him was a Measure repugnant to the Sense of the Information which is stated in the said Article to have been sent by him the said Warren Hastings to Edward Wheler Esquire. And the said Warren Hastings says, that, being at Lucknow as aforesaid, he did, in consequence of the Resolution of the Board herein before mentioned, acquaint the said Nabob Vizier, that his aforesaid Proposal had been accepted and agreed to by the said Board. And the said Warren Hastings says, that in the Month of January, One thousand Seven hundred and Eighty-five, he did, in a Minute of that Date, recommend to the said Board to engage with the said Vizier, that while the said Vizier continued to fulfil the Engagement into which he had entered, no Person should be deputed to reside in his Court but at his own spontaneous Inclination, nor should any Authority be exercised within the Limits of his Dominions by the Appointment or Permission of the Board, except such as should be required by the Nabob himself from the Military Officers stationed for his Defence and the Protection of his Country, until the Conclusion of the then current Year, or until the Orders of the Court of Directors should be received in consequence of the References which had been made to them, if such Orders should
either

either enjoin or authorize a different Conduct. AND the said Warren Hastings humbly submits, that the Measures by him pursued with the Vizier were well authorized by the Powers with which he was then invested. And he further says, that a Clause was, at the Instance of the several Aumils, or Persons taking Farms, inserted in their Leases from the said Vizier, that the said Leases should be in full Force for the complete Term thereof, provided no foreign Authority was exercised over them; or in other Words, that their Engagements should cease whenever they should be interrupted in their Functions by the Interference of a British Resident; which Clause the said Warren Hastings admits was inserted with his Approbation; but he denies that the said Clause was of such Nature, or productive of such Effects as are in the said Article stated, or that the same was in any Respect unwarrantable or illegal. And the said Warren Hastings avers, that the Arrangement by him made and recommended, in respect to the Vizier, as herein before mentioned, was, in the then Situation of the Company's Affairs, fit and expedient. And the said Warren Hastings denies, that he did ever assign any Reasons for the said Measures dishonourable to the British Name or Character; or that any Imputations ever thrown upon the British Name, Government, or Influence, were in any Respect owing or imputable to any Misconduct of the said Warren Hastings. And he further denies, that he did ever endeavour to destroy the Dependence on British Faith, or that he did ever attempt to create a Reliance on his own personal Faith, in Exclusion or to the Preju-

Prejudice of a due Reliance on the Faith of the British Nation. And the said Warren Hastings further says, that Major Palmer, in the said Article mentioned, did continue at Lucknow as Agent to the said Warren Hastings, on the Appointment of him the said Warren Hastings, at the special Instance and Request of the Nabob, but not at any such Yearly Expence to the said Vizier, known to the said Warren Hastings, as is stated in the said Article.

A N D the said Warren Hastings denies, that he did, on his Return to Calcutta, stay in the City of Benâres for the Purpose in the said Article mentioned: But he admits he did remain some Time at Benâres; and he avers, that his Continuance there during such Time, was for proper and justifiable Purposes. And the said Warren Hastings likewise denies, that he did, after his Return to Calcutta as aforesaid, bring forward Charges against the said Bristow, as in the said Article is stated; but he says that he did, whilst at Lucknow, transmit to the Board certain Objections made by the said Vizier to the Accounts of the said Bristow, in order that the said Bristow might give an Answer to the same; and an Answer was afterwards accordingly delivered in to the Board by the said Bristow, which by the said Board was taken into Consideration after the Return of the said Warren Hastings to Calcutta. And the said Warren Hastings denies, that he had settled any Pensioners on the Revenues of the said Nabob, or that he did corruptly leave, under the aforesaid Major Palmer, any Establishment of English Pensioners, authorized by him the said

K k

Warren

Warren Hastings, to be paid out of the Revenues of the said Nabob. And the said Warren Hastings also denies, that he did in any Manner preserve to himself in the Province of the said Nabob any corrupt or improper Influence whatever.

AND the said Warren Hastings denies, that he did give up or abandon the said Nabob and his Territories, or the Company's Interests therein, to the entire Dominion of Hyder Beg Khan, as in the said Article is alleged. And with respect to such Part of the said Article as states " that the said Warren Hastings, by his Agreement, did leave sundry of the great Farms of the Revenue in the Province of Oude under Almas Ali Khan," the said Warren Hastings humbly craves Leave to refer to his Answer in this Behalf herein before made.

AND the said Warren Hastings says, that he did not make any Stipulation with the Vizier respecting any of the Persons in the said Article mentioned; but he denies that he was guilty of any Neglect or Breach of Duty in that Respect, or that the said Persons were thereby exposed to the Resentment of the said Hyder Beg Khan, or that the said Warren Hastings knew any Resentment was entertained by the said Hyder Beg Khan against those Persons.

AND the said Warren Hastings says, that the Bankers, whose Security was taken for the Payment of the said Debt from the Vizier to the Company, were, at the Time of giving
such

such Security, Persons of unimpeached Credit and Responsibility, and the Bills taken from the said Bankers for the said Debt were all duly discharged, except One, which the said Warren Hastings has been informed was not regularly paid when it became due; but which, as he has likewise been informed, has since been discharged. And the said Warren Hastings denies that the Payment of the said Debt was pretended or delusive; and he further denies that he did take away any Security from Gopal Doss in the said Article mentioned: But the said Warren Hastings says, that a Bond having been executed by the said John Bristow, on the Part of the said Company, to the said Gopal Doss, dated the Eighth of June, One thousand Seven hundred and Eighty-three, for a certain Sum of Money advanced by the said Gopal Doss for the Use of the said Company, to be repaid from whatever might remain after providing for the Company's necessary Disbursements, from the Receipts of certain Assignments specified in the said Bond; and the said Sum, by reason of the urgent Occasions of the Government not having been duly discharged, according to the Condition of the said Bond, certain other Arrangements were made by the Board of Council with the said Gopal Doss for the Liquidation of the said Demand, which was afterwards fully satisfied. And the said Warren Hastings denies that the Credit of the said Company was, in any Respect, affected by any of the Matters aforesaid.

AND the said Warren Hastings denies, that by all, or any, of the Measures aforesaid, he did

dangerously affect the Payments of succeeding Years, or that the actual Amount of the Debt due from the said Nabob to the said Company was, in any Manner, imputable to any Neglect or Misconduct of the said Warren Hastings; or that he was, or is, in respect of any of the Premises in the said Article mentioned, guilty of any Crime or Misdemeanour whatsoever.

AND as to all other Matters and Things in the said Articles contained, and not hereinbefore particularly answered unto, the said Warren Hastings says, he is not guilty of them, or any of them, in Manner and Form as the same are charged upon him in and by the said Articles. And the said Warren Hastings humbly requests of your Lordships, that in this his Answer to the several Matters in the said Articles contained, your Lordships will be pleased to understand him to have followed the Order and Succession in which the same are in the said Articles arranged and set forth; and in referring to such Articles, generally to have referred to such Parts and Passages thereof as correspond with and relate to the Facts, Circumstances, Declarations, and Expressions then particularly considered and adverted to, and to which his Answer is in such Instances immediately applied; and also that in all Cases where the Narration or Statement by him in his said Answer given touching any Facts, Circumstances, Declarations,
or

or Expressions, materially varies from or contradicts the Narration or Statement of like Facts, Circumstances, Declarations, or Expressions contained in the said Articles, that he may be understood to deny such latter Narration or Statement to be true to the Extent in which such material Variance and Contradiction exists. And the said Warren Hastings humbly hopes, that your Lordships will excuse any Imperfections or Defects with regard to Expression or Form in his said Answer; and will permit him, with all Humility, to bespeak your Lordships Candour and Indulgence on account of the peculiar Nature of the several Articles of Impeachment; which he apprehends, both as to the Manner in which the same are framed, and the Matter which is the Subject of them, will be found materially different from any which have ever yet been exhibited at your Lordships Bar. For, with respect to the said Charges, the said Warren Hastings begs leave to observe that they consist of a minute and elaborate Scrutiny into his whole official Conduct during a Government of Thirteen Years, comprehending an infinite Variety of Events, and involving the Management of a great commercial and political System, in a Service of uniform Difficulty and Exigence, and at many Times of extreme national Peril: Nor are the said Charges confined to Measures, but even his Declarations and Opinions delivered in the course of Debate and Consultation, according to such Information as he possessed at the Moment, and often under Circumstances which would not afford Time for adequate Deliberation, are made Subjects of Accusation against him. The said Warren Hastings therefore

therefore humbly represents, that, under such Circumstances, he must necessarily stand in much Need of your Lordships favourable Construction of his Conduct, in order that the many Omissions and Imperfections, which, in the Review of the past Measures of his long and arduous Administration, your Lordships superior Wisdom shall discover, may be imputed to Error and Infirmary, and not to any corrupt or criminal Intention. And the said Warren Hastings feels it the more necessary to solicit your Lordships Indulgence, as he was separated at a very early Age from his native Country, from every Advantage of that Instruction which might have better qualified him for the high Offices and difficult Situations which it has been his Lot to fill, and left to form his Rule of Conduct in a great Degree on his own Practice, and by the Light of his own Understanding.

AND the said Warren Hastings begs Leave further to represent, that many of the Measures which in the said Articles are stated as Crimes or Misdemeanours by him individually committed, were, in fact, Measures of the Council at large, and for which, therefore, he humbly conceives, he ought not to be separately and distinctly charged; and, with respect to many others of the said Measures, he trusts he shall be able to satisfy your Lordships that they were rendered expedient and necessary by former Acts and Resolutions of the Board, adopted, in some Instances, not only without his Concurrence, but against his Opinion and Vote; and he trusts that your Lordships will permit him
to

to observe, that many of the Plans and Arrangements which are in the said Articles drawn into Matter of Criminal Charge against him, were at first proposed by him with a Reference to the known Opinions and Sentiments of those with whom he was appointed to act, and were afterwards varied and modified, in the Course of Discussion at the Board, so as to be in the Result, and at the Period of their Execution, essentially different from the State in which they were originally offered; and that many Measures which are also made the Subject of Charge against him have been fully approved by his Successors in Office, and continue to form a Part of the present System of Government in India; and he doubts not but your Lordships will consider the Length of Time which has elapsed since several of the said Acts are charged to have been done, and the Distance of the Countries in which they are supposed to have taken place, and that on these Accounts he must labour under much Difficulty in giving a full and particular Explanation of the same, of the Causes by which they were produced, and the Circumstances with which they were attended. And further, in as much as many of such Transactions relate to Negotiations with the Ministers of Foreign States, who cannot be produced as Witnesses in his Defence, however material their Testimony might be, and require the Evidence of certain other Subjects of such States, who are likewise not amenable to the Process of this High Court, your Lordships will therefore he humbly trusts, be disposed to receive with due Indulgence, the Defence he may hereafter make under such Disadvantages; and, as many
of

of the said Articles of Impeachment are founded upon his Opinions and Declarations, as extracted from divers Letters and Entries upon the Public Consultations, written at various Times, and under Circumstances materially different, connected also with, and dependant upon, the former Declarations and Opinions of himself and others, not stated in the said Articles, he further presumes to hope that your Lordships will not suffer him to be prejudiced by any Opinions or Declarations thus detached and brought forward, but will at the same Time examine the Series of Letters and Consultations relating thereto, and will compare together such Parts and Passages of them as may give Light to each, and to the Whole. And he further humbly submits, that as in political Negotiations and Treaties with Foreign Powers, when the Interests of several Parties distinct from and opposite to each other are to be adjusted, great Address is necessary in the Management thereof; and such Terms are often proposed, and such Arguments used, as carry an Appearance different from the real Intention of those who treat; in which Respect it may be difficult to reconcile the various Means used for the Attainment of the End proposed: The said Warren Hastings humbly requests that, with regard to his Conduct in all such Respects, he may in like Manner receive your Lordships Indulgence. And he further ventures to observe to your Lordships, that in the Conduct of the important Concerns intrusted to his Charge, he has often been obliged to act upon general Appearances only, and according to such Information as he could collect and such Judgment

ment as he was enabled to form at the Moment, particularly in Cases in which immediate Evils seemed to threaten the Government under his Charge, and which it became his Duty by instant Exertion to prevent.

AND further, the said Warren Hastings begs leave to represent, that the general Nature and Quality of many Measures, now the Subject of Charge against him, considerably depend upon the Manners, Customs, Principles, and Laws, peculiar to the Countries in which such Measures were adopted; and cannot, therefore, as he conceives, properly be judged of by the same Rules and Principles as would determine the Quality of like Actions in the Country where he is now called to answer for the same.

AND, in Addition to the many peculiar Circumstances which characterize this Case, he is persuaded it will not escape the Discernment of your Lordships, that he stands charged with a Responsibility, equally new in its Kind, and unlimited in its Extent: That he is required to answer not only for Acts of supposed Misconduct in himself and others, Subjects of the Crown of Great Britain, or Servants of the East India Company; but is also questioned for various Acts of real or supposed Error or Malversation, committed by the Ministers or Servants of Sovereign Princes, connected, by Alliance, with the East India Company; and, in some Instances, for the Vices and Neglect of Duty in those Princes themselves, and that too, not in Matters of a public Nature only, but in the private Relations of civil Life: That he is,

L 1

upon

upon other Occasions, charged as responsible for the casual Effects of Military Tumult, for a supposed Decline of Population, Arts, and Agriculture; and, in general, for every Symptom of internal Disorder and Decay, suggested to exist in Countries remote from the Seat of British Government, and exempt from its immediate Authority and Controul.

AND the said Warren Hastings further hopes, that your Lordships will not deem him to have erred in supposing, from his several Re-appointments by the Legislature, at the Times and in the Manner stated in the Introduction to this his Answer, that he had reasonable Cause to conclude, that the general Principles on which he acted, and the Measures he had pursued previous thereto, as far as they were respectively known, did thereby receive a legislative Sanction.

AND further, the said Warren Hastings, with all Humility, observes, that notwithstanding the Length of Time his Conduct has been the Subject of Parliamentary Investigation, and during which he has been charged with Acts of the most flagrant and notorious Corruption, Rapacity, Extortion, Injustice, and Breach of Faith, by which he has been alledged to have sacrificed the Interests of the East India Company, dishonoured the British Name and Character, and reduced Provinces to Desolation; yet, of the Multitudes who must have been Sufferers by such enormous Wrongs, if such had existed, not One Individual has yet appeared to complain against him; but, on the contrary,
the

the native Inhabitants of the Provinces immediately subject to his Authority, do generally, as it is well known, and as he trusts he shall be able to prove, hold the Memory of his Government in Respect. The Sovereigns and Princes of India, who were connected by Treaty or Intercourse with the East India Company during his Government, have not only preferred no Complaints against him, but several of them have, since his Departure from India, corresponded, and do still correspond, with him, by Letters, professing Sentiments of Friendship and Esteem for his Person and Character. AND he begs leave further to represent, that Letters from some of the said Princes, containing their Acknowledgments of his good Faith, Honour, and Integrity, have been transmitted to his Successor in Office, and to the Court of Directors, and appear upon the Public Proceedings of the East India Company. And the said Warren Hastings further says, that the British Inhabitants of Calcutta, and the Officers of the Army who were the Witnesses of his Conduct, have publicly testified their Sentiments of the same in Two separate Addresses presented to him after his Resignation of the Service; and one of them, many Months after his Return to England, expressing the Acknowledgments and Thanks of the Persons whose Names are subscribed to the same, for the upright, equal, and beneficent Exercise of the Authority with which he had been, during a long Course of Years, invested over them, for the vigilant Attention and active Support given by him in the most difficult and perilous Times, to the great and extensive National Interests entrusted to his Charge

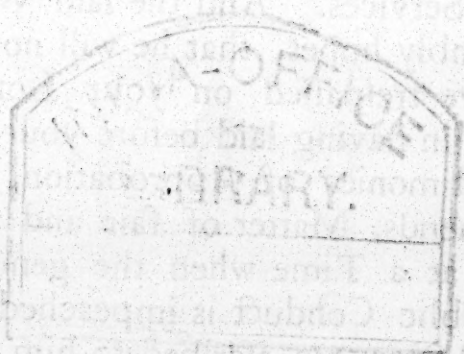
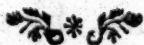
Charge, and for having been instrumental to the Splendour and Glory of the British Arms by the Services on which they were employed under his Direction.

AND, LASTLY, the said Warren Hastings says, that the East India Company, and the Court of Directors of the said Company, whose immediate Concern it was to have called him to a Public Account, and to whom the ordinary Courts of Justice were open for legal Redress, if it were true, as is alledged in the said Charge, that the Interests of the said Company have suffered great and essential Injury by the Neglect of Duty, Disobedience of Orders, Breach of Public Faith, and Corruption, of him the said Warren Hastings; so far from calling him to an Account for the said supposed Crimes, have afforded him their public Approbation of his Conduct; and the said Court of Directors did on his Return, by an unanimous Vote, bestow on him their Thanks for his long, faithful, and able Services. And the said Warren Hastings humbly hopes, that he will not be deemed to have trespassed on your Lordships Indulgence, in having laid before your Lordships these Testimonies of Approbation, being, as he apprehends, Matter of fair and honourable Mention, at a Time when the general Tenor of his public Conduct is impeached, and Motives of Action are ascribed to him utterly repugnant to his Disposition and Character: And with all the Assurance of an innocent Man he begs leave solemnly to declare, that in the high Stations he has been called upon to fill, he has ever, according to his best Skill and Judgment,

acted

acted with a sincere and ardent Zeal for the public Service, uninfluenced by any View to his own private Advantage; and thus with all due Humility, but at the same Time with that Confidence which a Sense of his own Integrity, and of the high Honour and Justice of this august Tribunal, must inspire, he submits himself to your Lordships Judgment, firmly trusting that he shall thereby receive that full and honourable Acquittal, which, next to the Approbation of his own Conscience, it must be his highest Ambition to obtain.

WARREN HASTINGS.



aged with a lance, and ancient zeal for the
public service, untroubled by any view to his
own private advancement, and thus with all due
fidelity, but at the same time with that con-
science which a Scotchman is not likely to
lose, of the high honour and value of the
military service, he labours to bring to
your Lordships' attention, thereby trusting that
he has thereby rendered himself and his country
of service, which, next to the approbation of
your Lordships, is what he most highly
prizes.

WARREN HASTINGS.



